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# PRIVATE LAWS.

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## ACADEMIES. AND COLLEGES.

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AN ACT to incorporate the Bloomingdale Academy.

In force February  
22, 1861.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That Erasmus O. Hills, Cyrus H. Meacham, Rowland Rathbun, Hiliman S. Hills, B. F. Meacham, Lewis E. Landon, Stephen Ellis, Captain E. Kinney and S. P. Sedgwick, 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 Bloomingdale 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 town of Bloomingdale, in the county of Du Page, and state of Illinois. The number of trustees shall not exceed nine, 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 considered worthy such academical or honorary degrees as are usually conferred by similar institutions.

Location of the  
academy.

Corporate powers

Course of study.

§ 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 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.

Vacancies.

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

Treasurer.

§ 4. 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.

Obedience of the pupils.

§ 5. 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.

§ 6. The lands, tenements and hereditaments, to be held in perpetuity by virtue of this act by said corporation, shall not exceed ten acres.

Shares of stock.

§ 7. The stock of said company shall consist of shares of ten dollars each, and shall be deemed personal property, and shall be transferable by assignment of certificate on the books of said corporation in such manner as the board of trustees shall prescribe. The capital stock of said company shall not exceed twenty-five thousand dollars, and its funds, rents and privileges shall only be used for the purposes of education, as herein declared: *Provided*, that two-thirds of the stock, by vote of the holders of the same, may at any time direct the dissolution of said corporation and the selling of its property; in which case the proceeds of such sale shall be equally divided among the shareholders, according to their shares.



§ 8. The beforementioned corporators shall be deemed Trustees. 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 three shall go out of office at the end of the first year—three at the end of the second year, and three at the end of the third year; and they are authorized to appoint all necessary agents and officers; which offices shall expire at such time as the by-laws may prescribe.

§ 9. 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 Bloomingdale 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 the corporation, if they have a public seal; if no public seal is provided, then signed by the president and his private seal, and by him acknowledged in his official capacity. Deeds and instruments.

§ 10. The time for the election of trustees shall be on the first Monday of October, A. D. 1859, and on the first Monday of October each year thereafter; and the trustees elected at such times shall serve until their successors are elected and qualified. It shall be the duty of the secretary to give ten days' notice of such election for trustees, or other officers, by posting up notices in at least three public places in the town of Bloomingdale and vicinity, of the time and place of holding the same; and each stockholder shall be entitled to one vote for each share of stock he may own; 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 election 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, 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. Election of trustees.

§ 11. All property, of whatever kind and description, belonging or appertaining to said academy, shall be and forever remain free and exempt from all taxation for any and all purposes whatever. The amount of property so exempt, not to exceed twenty-five thousand dollars. The exemption of property from taxation.

§ 12. There shall be attached to said academy a department, in which shall be taught such branches as are usually taught in common schools; and the trustees of said academy shall receive from the school treasurer of the town such amount and proportion of the common school fund as is received by other common schools. And said trustees

comply with the laws regulating common schools; in which case the school directors of district No. seven, (7,) in township forty (40) north, range ten east of third principal meridian, shall cause to be levied upon the total property of said district, in two years, a tax of two thousand dollars, (\$2,000,) for the purpose of erecting buildings to accommodate said school, and shall dispense with any other school in said district; and said directors shall represent said stock in all the meetings of the stockholders of said academy; and said academy shall be the district school of said district No. seven, (7,) and shall be entitled to all the privileges and immunities of other school districts under the common school law; and the school directors, with the trustees of said academy, shall have the appointment of the teachers, and said directors shall certify all schedules kept according to law.

Election in the  
town of Bloom-  
ingdale.

§ 13. The legal voters of the town of Bloomingdale may vote at their next annual town meeting "For Academy," or "Against Academy," by indorsement on their ballots. If a majority of those voting on the question vote "For Academy" the moderator and town clerk shall certify the same to the county clerk of Du Page county; and the trustees of schools for township forty (40) north, range ten (10) east of the third principal meridian, shall certify to the county clerk of Du Page county, on or before the first day of July, following such vote, the amount necessary to be assessed upon the taxable property of said town of Bloomingdale, not to exceed seven mills on the dollar for one year, and for not more than two years; and said county clerk shall compute said tax, which shall be collected as county taxes are by law collected, and, when collected, shall be by the collector paid over to the township treasurer of said township, and shall be by him paid out on the order of the president and secretary of the academy, for the purpose of erecting suitable buildings for the use of said academy; and said trustees of schools shall cause such tax upon the property of said town to be assessed, annually, as will be necessary to defray the expenses of teachers' wages, fuel, and other incidental expenses in said academy, by certifying the same to the county clerk, who shall cause the same to be computed and placed upon the tax books of the town, and collected as other school taxes are, and paid to the township treasurer, and by him placed to the credit of said academy fund. The teachers in said academy shall be examined and qualified by the school commissioner of Du Page county; shall keep schedules, and shall return the same as districts are required by law to do; and the trustees of schools shall apportion to said academy, upon said schedules, at each of their regular meetings, according to the grand total number of days taught, their proportion of the town, county and state funds, the same as though said academy were one of

Assessment of the  
taxes.



the school districts of said township forty north, range ten east of the third principal meridian; and said academy shall be open to all the inhabitants of said town who may wish to attend the same, and shall conduct themselves according to the rules established by said academy.

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

APPROVED February 22, 1861.

AN ACT to amend "An act to incorporate the Colleges therein named," and In force February  
the acts amendatory thereto. 20, 1861.

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 colleges therein named," approved February 9th, 1835, and the several acts amendatory thereto, be and the same are hereby amended, as follows, to wit: That no gambling establishment, liquor or beer saloon, or any place, of any kind, for the sale of malt or spirituous liquors, as a beverage, nor house of ill fame, shall be allowed within the distance of one mile from the college buildings at Upper Alton, known as Shurtleff College: *Provided*, that this act shall not be so construed as to extend into the city limits of the city of Alton. Intoxicating liquors.

§ 2. 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 justice's court, upon complaint of any three members of the board of trustees of said college, and, upon conviction, shall be fined twenty-five dollars for the first offense, with costs of suit; and for every subsequent offense fifty dollars and costs, and upon failure to pay such fine, shall be imprisoned in the county jail for any time, not less than ten days nor more than ninety days, at the discretion of the court. Said fines, when collected, to be paid over to the treasurer of the college, to be used for the current expenses of the college. Fines and penalties.

APPROVED February 20, 1861.

AN ACT to incorporate the Decatur Seminary.

In force February  
22, 1861.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the rector, wardens and vestry of St. John's Episcopal Church, at Decatur, Macon county, Illinois, and their successors in

office, be and they are hereby created a body politic and corporate, by the name and style of "The Decatur Seminary;" and by that name they and their successors shall have perpetual succession, with power to contract and be contracted with, sue and be sued, plead and be impleaded; to receive, acquire, hold, transfer and convey property, real, personal and mixed, for educational or charitable purposes only; may have a common seal and alter the same at pleasure.

Corporate name. § 2. The object of this corporation shall be to establish, support and maintain a school or schools for teaching any or all of the branches of education.

Corporate powers. § 3. The incorporators and their successors shall have power to make all needful by-laws, rules and regulations for the purpose of carrying into effect and supporting and maintaining the objects of the corporation, and are hereby invested with all the rights, powers, privileges and immunities, with the privilege of exercising the same in the manner therein specified in an act 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 February 24th, 1859, or of any amendments which may be made thereto.

Exemption of property from taxation. § 4. Any real estate acquired by this corporation within the city limits of Decatur, not exceeding ten acres, and held for the uses and purposes of the corporation, as well as personal property for the same purposes, shall be exempt from all taxation.

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

APPROVED February 22, 1861.

In force February  
20, 1861.

AN ACT to incorporate the El Paso Academy.

Corporate name. SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That, for purpose of establishing and maintaining an institution of learning, of a high grade, at the town of El Paso, in the county of Woodford, George L. Gibson, Robert A. McLellan, Samuel L. Kerr, Wilber H. Boies, and John R. Gaston, and their associates and successors, are hereby constituted, a body corporate, by the name of "The El Paso Academy," with perpetual succession and power to sue and be sued, either at law or in equity; to have and use a common seal, and alter the same at pleasure; to take and hold real estate and personal property, by gift, grant devise or purchase, and*

to rent, lease, sell, convey or in any way dispose of the same, according to the by-laws of said incorporation.

§ 2. TRUSTEES.—The five persons above named shall constitute the first board of trustees of said academy, and shall cause books to be opened at the town of El Paso, within three months from the passage of this act, for subscription to the stock of said academy, in shares of fifty dollars each. That so soon as the sum of five hundred dollars shall have been subscribed, the said trustees shall call a meeting of the stockholders herein, who shall proceed to elect a board of trustees, to consist of not less than five nor more than nine stockholders—the number to be determined by a vote of the stockholders present; which said trustees shall continue in office until their successors are elected. Shares of stock.

§ 3. MEETINGS.—There shall be an annual meeting of the stockholders in this incorporation on Friday after the fourth day of July, in each year, for the purpose of transacting of business, and to elect trustees for the ensuing year; to which meetings the trustees shall make a report of the general condition of the academy, setting forth, particularly, the character of the instruction imparted, the number of teachers and pupils, and the financial condition of the incorporation.

§ 4. VOTES.—At all meetings of the stockholders each stockholder shall have one vote for each share of stock he may hold in said corporation.

§ 5. SPECIAL MEETING.—The trustees, or any ten stockholders, may call stockholders' meeting, by giving five days' notice thereof.

§ 6. 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.

§ 7. The trustees shall have power to appoint and for good cause dismiss all such professors, teachers, officers and servants of the academy, as the by laws may designate; and, also, to confer upon such students as are properly qualified the degrees usually conferred by such institutions in this state.

§ 8. PROFITS.—The rents and profits arising from the real or personal property, tuition fees or other sources, after paying all expenses and liabilities of the said incorporation, may be divided among the stockholders, according to the number of shares held by each.

§ 9. SALE OF PROPERTY.—The trustees, with the consent of three-fourths in interest of the stockholders; may, at any time, dispose of site and buildings of the said academy to the directors of the school district in which it is situated or the united boards of directors of the neighboring districts, for the purpose of forming a union school, under the laws of this state; and in case of a sale, for that or any other



purpose, the proceeds of said sale shall be divided, *pro rata*, among the stockholders.

§ 10. BY-LAWS.—The trustees shall have power to make suitable by-laws for the regulation of the business of the incorporation, and the proper conducting of the said academy; by which they may designate the number and names of the necessary officers of the incorporation, also the number and qualification of the several professors and teachers, and regulate their compensation, and the amount of the tuition fees to be charged, and the course of study to be pursued; also provide for the dismissal or other punishment of refractory students.

§ 11. EXEMPTION.—The property, both real and personal, belonging to the incorporation, shall be forever exempt from taxation: *Provided*, that this section shall not extend to more than twenty-five thousand dollars in value of personal property, nor to more than forty acres of real estate.

APPROVED February 20, 1861.

In force February  
21, 1861.

AN ACT to amend an act and the amendments thereto, entitled "An act to incorporate the Illinois Liberal Institute," approved February 15th, 1851.

Endowments.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That any property which may hereafter be donated to Lombard University, either real or personal, by gift, grant, bequest or otherwise, for the endowment of professorship, or for any specific purpose, in connection with the objects of said university, shall be by the board of trustees faithfully so applied and appropriated, as in their judgment will most effectually carry out the conditions of such gift, grant or bequest.

Conferring of de-  
grees.

§ 2. The president of the university shall have power to confer such degrees and grant diplomas, in such form as may be approved by a majority of the faculty and of the board of trustees; and such diplomas shall be signed by the president of the university and by the secretary of the trustees, and shall have affixed thereto the seal of the university; and that all the acts of the body heretofore acting as a board of trustees of said university or of the Illinois Liberal Institute be and the same are hereby legalized and declared valid in law.

§ 3. That section five of amendment to the aforesaid act, approved January 26th, 1853, and section six of amendment to the aforesaid act, approved February 14th, 1857, be and the same are hereby repealed; and anything in the act to which this is an amendment, conflicting herewith, is here-

by repealed, and this act shall be a public act, and be read in evidence, without being specially pleaded; and shall be in force from and after its passage.

APPROVED February 21, 1861.

AN ACT to incorporate the Lockport Seminary at Lockport, Will county.

In force February  
22, 1861.

Corporate name.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That Hiram Norton, William Gooding, Geo. B. Martin, Robert Milen, Geo. Gaylord, John Heck, Chas. E. Boyer, Chas. Gass, and John B. Preston, and such persons as are or may hereafter be associated with them, and their successors, are hereby constituted a body corporate, by the name of "The Lockport Seminary," for the purpose of establishing and maintaining a seminary of learning in or near Lockport, Will county, Illinois, for males and females; with power to have a seal; to sue and be sued, plead and be impleaded; to take and hold real estate and other property, by purchase, gift, grant, devise or otherwise; to lease, convey and dispose of the same, for the effecting and furthering of the purposes aforesaid.

Amount of pro-  
perty.

§ 2. The estate, property and financial concerns of said corporation shall be managed and transacted by a board of not less than five nor more than [nine] 9 trustees, to be elected by the stockholders hereinafter mentioned.

Board of trustees.

§ 3. The persons named in the first section of this act shall constitute the first board of trustees; and they shall continue in office until their successors shall be elected by the stockholders. Said trustees shall appoint the teachers and officers and arrange the course of instruction in said institution, and determine the general manner of conducting said school.

Annual election.

§ 4. On the second Wednesday of August, 1861, and on the same day of each year thereafter there may be an election of five trustees, who shall hold their offices until their successors are elected. Such election shall be by ballot and by a majority of stockholders present.

Capital stock.

§ 5. Said corporation may have a capital stock of \$20,000, divided into shares of \$50 each; and the subscription to the same shall become binding, when \$5,000 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. Said trustees may increase the capital stock to \$100,000, if deemed by them necessary to carry out the purposes of this corporation.

Sending of pupils  
by stockholders.

§ 6. Any person holding one or more shares of said capital stock shall be a member of this corporation, and entitled to one vote for each share of stock by him held, on which all installments required by said trustees shall have been paid. Each stockholder 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 be, also, entitled to such dividends on their stock as the trustees may, from time to time, declare thereon.

§ 7. The trustees shall choose their own officers and make their own by-laws, and may fill any vacancy in their body, by appointment of qualified persons, until the next election.

Annual report.

§ 8. The trustees, at each annual election, shall make and submit a report to the stockholders of the state of the institution and its finances, 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 the institution.

Taxation.

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

Lease of school  
house.

§ 10. The board of directors of school district No. 6, town 36 north, range 10 east, (Lockport,) are hereby authorized to lease to the board of trustees of the Lockport seminary, for such rate and length of time as they may deem just and proper, the upper story of the school house in said district: *Provided*, a majority of the legal voters, voting at any election in said school district, cast their votes in favor of so doing; and that the sum or sums so paid shall be used for the support of public schools in said district.

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

APPROVED February 22, 1861.

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force April 24, 1861. AN ACT to amend and additional to the act entitled "An act to incorporate the Lind University," approved February 13th, 1857.

Establishment of  
legal and medi-  
cal department.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That the board of trustees of said university be and they are hereby authorized to establish and carry on a legal and medical department, or either of them, at their option, in the city of Chicago, in Cook county, or at Lake Forrest, in Lake county, as may in their judgment best subserve the public interest and convenience.



§ 2. The said board are also authorized to increase their own number so as to constitute a board of 24 trustees, with the right to elect the additional members from any of the states adjoining the states of Illinois or Wisconsin; but the removal of any member of the board from the state of his residence, when elected, shall be deemed equivalent to a resignation of his trust, and the board may proceed regularly to fill such vacancy.

Board of trustees.

§ 3. The following rules and regulations shall become parts and parcel of the constitution of the theological department of said university:

Rules and regulations.

*First*—Any presbytery, in connection with the body generally known and designated as "The New School General Assembly of the Presbyterian Church," in the states of Michigan, Indiana, Illinois, Iowa, Missouri and Minnesota, together with the territories adjacent thereto, shall be entitled to send their commissioners to meet in consultation and to co-operate with the trustees of said university in the affairs and management of the theological department thereof as follows:

*Second*—The presbyteries aforesaid designing and intending, in good faith, to co-operate in this enterprise or theological school, may select, appoint, commission and send, each year, commissioners, on the principle of representation observed in the election of commissioners to their own general assembly.

Representative of Presbyteries.

*Third*—Such commissioners, together with the aforesaid board of trustees, shall constitute a board of theological instruction, to which shall be committed all matters pertaining to the conducting of the theological department aforesaid, except the control and management of the property belonging to the same. This property shall be in the hands of the trustees alone, and shall be used exclusively for the benefit of the theological department, for which purpose it shall be kept entirely separate from the funds and general property of the university or other departments thereof.

Board of instruction.

*Fourth*—No professor in the theological department aforesaid shall be elected or determined without a vote of two-thirds of the members of the board of theological instruction, who shall be present at an annual meeting or at a special meeting, duly called, the business of which shall have been explicitly stated in the call.

Theological professors.

§ 4. The seventh section of the act hereby amended shall be amended by striking out the following words or clause thereof: "A majority of the owners in the Lake Forrest association had, at any regularly called meeting of said association, and of;" the effect of which amendment is designed to be in accordance with a resolution of the stockholders of the Lake Forrest association, adopted March 24th, 1857, whereby said association approved of the location of the theological department of Lind University on the Lake

Lake Forrest association.

Forrest ground, or at or near Chicago: whichever place shall command a vote of three-fourths of the trustees of the university.

APPROVED February 18, 1861.

In force February  
22, 1861.

# AN ACT to incorporate the Metropolis College.

Trustees.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That R. A. Peter, W. R. Brown, J. C. Willis, Wm. McBean, W. E. Brenner, J. S. Armstrong, W. C. Munson, Wm. H. Green, John W. Carmicheal and John Ferrell be and they are hereby constituted a body corporate and politic, to be styled "The Trustees of Metropolis College," for the purpose of establishing and maintaining a male and female school, for educational purposes.

§ 2. That said trustees and their successors, by the above style, shall have perpetual succession, with powers to contract and be contracted with, to sue and be sued, and to receive, purchase, hold and transfer real estate.

Term of office.

§ 3. The persons named in the first section of this act shall hold their offices until the first Monday in July, A. D. 1862, at which time their successors shall be elected by a vote of the stockholders.

§ 4. Said board shall, at its first meeting in July, of each year, elect, of its members, a president, a secretary and treasurer. They shall have power to fill any vacancy in the board until the next ensuing election after the occurring of such vacancy.

Officers of the institution.

§ 5. The board of trustees shall have power to select and employ a principal or president, and such professors and tutors as may be necessary; to fix their compensation, and dismiss any one of them, when required by the interests of the school; to establish separate male and female departments; to erect suitable buildings for the school and to provide the course of study, and to confer graduating diplomas and such other evidences of literary attainments as shall tend to encourage thoroughness of scholarship.

Capital stock.

§ 6. Said corporation shall have a capital stock of fifty thousand dollars, divided into shares of fifty dollars each; and subscriptions to the same shall be binding when twenty thousand dollars shall have been subscribed, said subscriptions to be paid in installments of ten per cent. as often as may be directed by a majority of the trustees, at any regular meeting.

§ 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 owned by him upon which all installments due are paid. Every stockholder owning two or more shares shall be entitled to send one pupil to said school for every two shares of stock he may hold, and whenever the finances of the institution will permit, the said trustees are authorized annually to make a deduction, not to exceed fifty per cent. of the established tuition, in favor of the said stockholder who may send one or more pupils to said school. The stockholders shall also be entitled to such dividends as the trustees may, from time to time, declare.

Pupils sent by  
stockholders.

§ 8. There shall be a separate preparatory department, in which the common branches shall be taught; also, a separate classical and scientific department—all to be under the charge and government of the president.

Preparatory de-  
partment.

§ 9. The board of trustees shall have power to make all needful by-laws for their own government, and shall provide by-laws for the government of all the departments of the school.

§ 10. All the property, real and personal, of this corporation shall be and forever remain free from taxation.

§ 11. That an amount of the state taxes, for the year A. D. 1860, equal to the amount collected from the real and personal property in township 16 south of range 4 east of the third principal meridian, is hereby set apart for the purpose of erecting the main building of said college; and the collector of Massac county shall pay over the said amount to the treasurer of said board, on order of the president of said board, together with the affidavit of said treasurer and president that the said amount of taxes, when paid over, shall be faithfully devoted to the purpose of building said college and to no other purpose, and that no member of said board shall receive any part thereof as compensation or otherwise.

Taxation in sup-  
port of college.

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

APPROVED February 22, 1861.

AN ACT to amend an act entitled "An act to incorporate the North-Western University." In force February 16, 1861.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the annual conferences of the Methodist Episcopal Church, which now are or may hereafter be authorized to elect or appoint trustees of said university, shall hereafter elect only two trustees each, who shall also be and perform the duties of the visitors to said institution, and the place of the two

Trustees elected  
by M. E. church

trustees last appointed by each conference is hereby vacated. The trustees elected by such conference shall hereafter hold their office for two years, and until their successors are chosen—the term of one elected by each of them expiring annually. In case any conferences, having authority to elect trustees, shall now or hereafter be divided into two or more annual conferences, they shall each have authority to elect trustees. On the request of the board of trustees, made at a regular meeting, any such annual conference may elect trustees as herein provided.

§ 2. Any annual conference, electing trustees as herein provided, having at any time refused to elect successors thereto, or resolved to discontinue or refuse its patronage to said institution, shall authorize the board of trustees, by vote of a majority thereof at any regular meeting, to declare vacant the place of all trustees appointed by such conference, and its right to appoint trustees shall thereupon cease.

§ 3. Any chartered institution of learning may become a department of this university by agreement between the boards of trustees of the two institutions.

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

APPROVED February 16, 1861.

Consolidation.

In force February  
22, 1861.

AN ACT to incorporate the Presbyterian College of Illinois.

WHEREAS the synods of Illinois and Chicago of the Presbyterian church in ecclesiastical connection with the General assembly of the Presbyterian church in the United States of America, known as the Old School, have determined and are desirous to establish, with such other synods as may associate with them, a university in the state of Illinois, of the first order of literary instructions, under a constitution for its government, to be adopted by them, and have jointly appointed a board of directors, with a view to its organization and endowment; therefore, to enable the said synods to carry such their design into effect,

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That all such persons as now compose the board of directors, appointed by the said synods, at their respective meetings, in October, 1860, their associates and successors, be and they are hereby created and declared to be a body politic and corporate, in law and in fact, and shall have perpetual succession, by the name and style of "The Presbyterian College of Illinois."

§ 2. The board of directors of said college shall be composed of such members of directors, to be chosen at the time

Corporate name,  
Corporate pow-  
ers.

or times, and in the manner, and shall hold their offices for the term or terms, as may be fixed and prescribed in the constitution to be adopted by said synods, and the by-laws and regulations adopted under it. And the said board shall have power to meet at the time or times and exercise such powers and authority as may be fixed and conferred upon them by the said constitution and by-laws; and said synods are hereby authorized and empowered to confer such power, jurisdiction and authority upon the said board of directors, as to them may seem expedient, not repugnant to the constitution and laws of the state or United States; all which authority, power and jurisdiction, when so conferred, is hereby declared to be vested in the said board, and such other faculties, persons, servants, agents and employees as may be provided therein, to all intents and purposes, as fully and completely as if the same were enumerated in this act.

§ 3. The said board of directors, under the said constitution and by-laws, shall have power to superintend and govern the said university or college; to create different departments in addition to the usual collegiate departments, and prescribe courses of study, and maintain discipline and government in each; to elect and appoint such officers, professors, instructors, agents, and others, as may be deemed necessary, and as are provided for in the said constitution and by-laws aforesaid; and the said board may, by itself or the faculty of the college, as may be so provided in the constitution and by-laws, grant to students in either of its departments, or others, diplomas or honorary testimonials, and may confer such literary honors and degrees as are usually conferred by the highest literary institutions and colleges in the United States, with like and the usual immunities and privileges allowed by usage or statutes to like diplomas, honorary degrees.

Regulation and  
conduct of busi-  
ness.

Confirming of de-  
grees.

§ 4. The said corporation may acquire, take, hold, sell and convey, any kind of property, real, personal or mixed, or choses, rights and interests, that may be bestowed upon it by gift, grant, bequest, devise, or otherwise, howsoever; and the same may be under such power, management and control as may be provided in said constitution and by-laws; or in case no provision be made therein, the board of directors shall have full power and control thereof, in all respects whatsoever, consistent with the true intent and meaning of this act and the object contemplated therein. No gift, grant, devise, made to the college, for a particular purpose, shall be applied to any other purpose; and all such gifts, grants, bequests or devises, and all the powers granted or conferred in this act or the constitution and by-laws aforesaid, shall be liberally construed, in all courts and by all persons, to effectuate the objects of this act; and this act shall be noticed as a public act. No misnomer or mistake in any deed, will or contract shall prejudice the rights or

Purchase possession  
property. and  
of

Gifts and be-  
quests.



interests of the college; but the true intent and meaning thereof shall prevail in favor of the college. The board of directors shall have power to borrow money, and execute notes, mortgages and deeds of trust, to erect all needful buildings, ornament the college grounds, acquire libraries and apparatus, and, in general, may do whatsoever shall be necessary to acquire the means, establish and maintain a college, of the first order of literary institution, at such point as may be selected for that purpose.

This act to take effect from its passage.

APPROVED February 22, 1861.

In force February  
21, 1861.

AN ACT to amend an act entitled "An act to incorporate the Presbyterian Theological Seminary of the Northwest," approved February 16th, 1857.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That the transfer, &c., of the government of the said seminary by the said synods, in the act of incorporation mentioned, to the general assembly of the Presbyterian church in the United States, and the amendments made by the general assembly to the constitution of said seminary, and the appointment of the board of directors and of the board of trustees, and all other by-laws, rules and regulations, and other acts and doings by the said boards of directors and trustees, be and the same are hereby satisfied and confirmed. The said general assembly shall have and may exercise all the powers now or hereafter conferred upon it by the constitution, as amended, or as it may hereafter be amended by said general assembly; and all such amendments, by-laws, rules and regulations, now or hereafter adopted, not repugnant to the laws of the land, shall have full force and effect.

§ 2. This act and the act to which it is an amendment shall be public acts; and, judicially noticed, shall be liberally construed; and all proceedings of the corporation, certified, under its seal, shall be received as evidence in all courts; and shall take effect from its passage.

APPROVED February 21, 1861.

In force February  
21, 1861.

AN ACT to incorporate the Urbana and Champaign Institute.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That B. F. Harris, Wm. Park, J. T. Everett, John Jusley, J. S. Wright, John Penfield, J. W. Sim, Jr., C. F. Columbia and Henry

Nelson, and such other persons as are or may hereafter be associated with them and their successors, are hereby constituted a body corporate, by the name of "The Urbana and Champaign Institute," for the purpose of establishing and maintaining a seminary of learning, comprehending an agricultural, or other departments, as the public may demand, situated between the cities of Urbana and Champaign, in the county of Champaign, and state of Illinois, for males and females, with power to sue and be sued; to take and to hold real estate and other property, by purchase, gift, grant, devise or otherwise; to lease, convey and dispose of the same, for the effecting and furtherance of the purposes aforesaid, with power to confer degrees and give diplomas, such as are common in such institutions; and to use a common seal.

Corporate name.

Location.

§ 2. The estate, property and financial concerns of said corporation shall be managed and transacted by a board of nine trustees, to be elected by the stockholders hereinafter mentioned.

Board of trustees.

§ 3. The persons named in the first section of this act shall constitute the first board of trustees, and shall be divided, by lot, into three classes. The time of service of the first class shall expire on the last Tuesday in June, A. D. 1862, and that of the second class in one and that of the third class in two years thereafter.

§ 4. There shall be a board of visitors, who shall, jointly, with the trustees, appoint the teachers and officers, arrange the course of instruction, and determine the general manner of conducting said institution. Said board of visitors shall be constituted as follows, to-wit: The governor, secretary of state and superintendent of public instruction of the state of Illinois, the president of the state agricultural and horticultural societies, and such visitors from each of any organized religious denomination within the limits of the congressional [congressional] district in which the said institution is located, as may be appointed by their conference, synod, association, or convention: *Provided*, that no more than three visitors shall be appointed by the same denomination.

Board of visitors.

§ 5. On the last Wednesday of June, 1862, and on the same day of each year thereafter, there shall be an election of three trustees, who shall hold their office for three years. All vacancies in the board of trustees, then existing, shall also be filled. Such election shall be by ballot, and by a majority of stockholders present.

Annual election of trustees.

§ 6. The real estate in the seminary plat, as now laid out into lots and recorded in the recorder's office of Champaign county, and state of Illinois, shall represent the capital stock of said corporation. Said capital stock may be increased to two hundred thousand dollars, in shares of one hundred dollars each.

Capital stock.

Shareholders.

§ 7. Any person holding a contract or deed for one or more of said lots, representing one or more shares of said capital stock, shall be a member of this corporation, and entitled to one vote for every share of stock by him thus held, upon which all installments have been paid, required by contract. Stockholders shall be also entitled to such dividends on their stock as the trustees may from time to time, declare thereon.

§ 8. The trustees shall choose their own officers and make their own by-laws, and may fill any vacancies in their body by appointment of qualified persons, until the next election.

Annual report.

§ 9. The trustees, at each annual election, shall make and submit a report to the stockholders of the state of the institution, and its finances, 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, when its payment would embarrass the finances or efficiency of the institution.

Taxation.

§ 10. The real estate in said seminary plat, so long as it represents the capital stock of said corporation, and until conveyed to said stockholders, and all the property of the said corporation, both real and personal, shall forever be and remain free from taxation.

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

APPROVED February 21, 1861.

In force February  
22, 1861.

AN ACT to incorporate the Woodstock University.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That Richard K. Todd, William H. Stewart, Lawrence S. Church, Martin W. Hunt, William S. Mead, Henry D. Bates and Jesse F. Miller, and their successors in office, be and they are hereby created a body corporate and politic, for the purpose of founding and maintaining, in the town of Woodstock, Illinois, an institution of learning, to be styled the "Woodstock University," and, by that name, to remain in perpetual succession, with power to contract and be contracted with, sue and be sued, to hold all kinds of property, real, personal and mixed, which they may acquire by gift, grant, purchase, donation, devise, or otherwise, necessary to accomplish the object of the incorporation, and the same to dispose of, convey, or incumber, at pleasure—in which case all conveyances shall be signed and acknowledged by the president of

Corporate name.



said incorporation; to have and use a common seal, and alter the same at pleasure; to make and alter such by-laws, for the government of the said incorporation, its officers and agents, not inconsistent with the constitution and laws 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 mentioned in this act.

§ 2. The objects contemplated by this act of incorporation are, to build up and maintain, in the town of Woodstock, an institution of learning, of the highest class, for males and females; to teach and inculcate the principles of a sound christian morality, and for the promotion of the arts and sciences.

Objects of the institution.

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

Appointment of officers of the university.

§ 4. If any gift, grant or 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 condition prescribed by the grantor, deviser or donor.

Gifts, grants, &c.

§ 5. The trustees, aforesaid, may cause to be opened books of subscription to the capital stock of said incorporation, and may fix the whole amount of the capital stock, and 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, for purposes of endowing the said institution, 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.

Subscription books.

Scholarships.

§ 6. The said university, in all its departments, shall be open to all persons, of such age and qualifications as shall be prescribed by the by-laws and rules of said incorporation; and the profession of any particular religious faith shall not be required of those who shall apply to become students. All persons, however, may be suspended or expelled from said institution, whose habits are idle or vicious, or whose moral character is bad.

Religious tests.

§ 7. The trustees shall elect a president, who shall be one of their number, and may also appoint a secretary and treasurer, and require bonds, with security, from any officer

President and secretary of board.

or agent, conditioned for the faithful performance of the duties imposed upon them by this act of incorporation and the regulations and by-laws made in conformity thereto.

§ 8. There shall be elected, annually, by the stockholders of said incorporation, a board of trustees which shall consist of not less than seven nor more than thirteen stockholders, who shall hold their offices until their successors are elected. And at all elections for trustees each stockholder shall be a voter, and shall be entitled to cast as many votes as he or she may own shares of capital stock. The first election for trustees shall be held on the first Saturday in June, A. D. 1861, at 2 o'clock, P. M., at such place as the incorporators shall direct; and, until such election is held, the above named persons shall be trustees, and perform the duties enjoined upon trustees by this act.

Exemption from  
taxation of prop-  
erty.

§ 9. All property, of whatsoever kind or description, belonging to or owned by said corporation, or held in trust by any person or persons, for the use thereof, whether said property be held in fee or for a limited duration, shall be free from taxation for any and all purposes; the amount of property so exempt not to exceed twenty-five thousand dollars.

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

APPROVED February 22, 1861.

In force February  
22, 1861.

#### AN ACT to incorporate Wheaton College.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That there be and hereby is created and established, at Wheaton, in the county of Du Page, in this State, a college for the instruction of youth in the various branches of literature, the useful arts, and the learned and foreign languages.

Corporate name.

§ 2. That said institution shall be called by the name of "Wheaton College."

§ 3. That Rufus Lumry, Flavel Bascom, J. Blanchard, R. F. Markham, Moses Pettingill, Joseph Platt, Owen Lovejoy, Freeborn G. Baker, Chester Hard, E. B. Thompson, R. E. Adams, Abram Long, Warren L. Wheaton, Robert Rothwell, F. H. Mather, A. H. Hyatt and A. Lewis, are hereby constituted a body politic and corporate, by the name and style of "The Trustees of Wheaton College;" and by that name shall have perpetual succession, and a common seal—which seal they may alter at pleasure; may sue and be sued, plead and be impleaded, with power to purchase, receive and hold, to them and their successors

Corporate powers



forever, all lands, tenements, rents, goods and chattels, of what kind soever, which may be purchased by, or may be devised or given to them for the use of said college, and to lease, sell, rent, or otherwise dispose of the same in such manner as shall seem most conducive to the interest of said college; to elect and employ such president, professors, instructors and tutors, for the benefit of said college, as they may deem necessary; to select and employ a treasurer; to fill vacancies occurring in the board; to form their own by-laws, and do all business that may be necessary and appropriate to secure the permanency and prosperity of the college.

§ 4. The president of said college, by and with the advice of the trustees, shall have power, from time to time, to ordain, regulate and establish the course and mode of instruction and education to be pursued in said college, and, together with such professors, instructors and tutors as the corporation may appoint, shall be entitled and styled "The Faculty of Wheaton College," and shall have power to adopt and enforce such rules as may be deemed expedient for the government of the institution—which rules shall be in force until disapproved or annulled by the trustees and faculty.

Course of study.

§ 5. The said trustees shall have power to establish departments for the study of any and all the learned and liberal professions; to confer such degrees as are usually conferred in similar colleges in the United States, in the learned arts and sciences. The said trustees may also attach to said college an academical or preparatory department, a female department, and a common school department. And when such common school department shall be in operation, agreeably to the common school laws of this State, the trustees shall be entitled to draw their proportion of the township, school, college and seminary funds for such scholars as may attend the same: *Provided*, such scholars reside in the district where the college is located; and may also connect manual labor with all or any of those departments.

Professional studies.

Preparatory and female departments.

§ 6. The trustees, or a majority of them, shall have power to meet at such times as they shall deem necessary, by themselves or committee, for the examination of any candidates for literary degrees; and they are hereby empowered, upon recommendation of the faculty, to confer the same on such persons as, in their opinion, shall merit the same, and to give testimonials thereof, under their common seal.

Conferring degrees.

§ 7. The board of trustees may be increased to the number of twenty, a majority of whom shall be a quorum to do business.

§ 8. Two trustees shall go out of office at the annual meeting of the board in 1861, and annually thereafter, under a rule to be made by the board at the first annual meeting after the adoption of this charter.

Expiration of the term of office of trustees.

Scholarships.

§ 9. The trustees shall have power to sell one hundred thousand dollars worth of scholarships, for the purpose of endowing the institution.

Annual meeting.

§ 10. It shall be the duty of the trustees to hold an annual meeting, at such time and place as they shall appoint, for the purpose of transacting all business pertaining to the college.

Illinois institute charter.

§ 11. The charter of the "Illinois Institute," enacted by the legislature of the state of Illinois, and approved February 15th, 1855, is hereby repealed, and the present charter substituted in its place; and all manner of property, powers, privileges and immunities therein granted to the trustees of the Illinois Institute, are hereby declared to vest in the trustees of Wheaton college; and all debts, contracts and obligations of the former institution are good in law against the trustees of Wheaton college.

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

APPROVED February 22, 1861.

In force February 15, 1861.

AN ACT to incorporate the Atlanta Union Central Agricultural Society, to be located at Atlanta, Logan county, Illinois.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That Anthony N. Dills, Asa C. Barnes, Joseph Bell, Isom S. Atchinson, George N. Bryson, Ezra T. Kenyon, John E. Hoblit, Alexander Downey, Philip R. Marquart, Joseph A. Pitts, Anthony J. Ludlam, Ellis Dillon, and such other persons as are or may become members of the society, shall be and are hereby constituted a body corporate, by the name and style of "The Atlanta Union Central Agricultural Society," and by said name shall have perpetual succession, and shall be capable of contracting and being contracted with, sue and being sued, pleading and being impleaded, answering and being answered, in all courts of law or equity, in this state; to acquire, hold, mortgage, lease, release, sell or convey property, real, personal, or mixed; to have a common seal, which they may change or alter at pleasure; and may, by their corporate name, acquire, by purchase or otherwise and hold real estate, not to exceed three hundred and twenty acres, with power to lease, improve and convey any part or all of their real or personal estate.

Corporate name and powers.

Membership.

§ 2. A subscription, and payment, as the society may hereinafter direct, of twenty dollars, to the secretary of the society, shall constitute a membership in said society; and all persons who have or may hereafter take one or more

shares shall be entitled to a certificate, signed by the president and secretary, for each share, so subscribed and paid for, in manner and form as aforesaid. The holder, being a *bona fide* owner of such certificate, shall be entitled to one vote for each share or certificate so held, at all elections for president and directors of said society. And the shares of said society shall be deemed personal property and shall be assignable and transferable, according to such rules and regulations as the board of directors may adopt.

§ 3. Said society shall have power to loan or borrow money, at such rates of interest as are allowable by law, and take or give promissory notes or other evidences of indebtedness, in their corporate name, for the same; which may be collected in any court in this state. And in their corporate name shall have power to sue for and collect all subscriptions that have been or may hereafter be made to said society. Loaning of money

§ 4. The members of said society shall hold an annual meeting on the first Saturday in November, in each year, at such place as may be fixed by the directors of said society; and shall elect, as officers of said society, one president, four vice presidents and seven directors, who shall, respectively, hold their offices for one year and until their successors are elected. The president shall be, *ex officio*, chairman of said board of directors, and, in case of a tie, shall cast the deciding vote. Annual meeting.

§ 5. The board of directors, (a majority of whom shall constitute a quorum,) shall have full power and authority to appoint a secretary, treasurer and such other officers as may be designated by the directors, and do all other acts necessary to promote the interests of the society and to carry into effect the provisions and objects of this act; and, until an election be held under the provisions of this act, the present officers elect, to wit: Anthony N. Dills, as president; Joseph Bell, Isom S. Atchison, George N. Bryson, Ezra T. Kenyon, as vice presidents; and Asa C. Barnes, John E. Hoblit, Alexander Downey, Philip R. Marquart, Joseph A. Pitts, Anthony J. Ludlam and Ellis Dillon, as directors, shall perform all the duties to be performed by such directors, under this act; and all the acts of said directors, heretofore done or to be done till an election be held according to the provisions of this act, are hereby legalized and made of full force and virtue, the same as if done under the provisions of this act. The officers of the board.

§ 6. The directors of said society may make such rules and regulations as may be necessary for the regulation and government of the said society, not inconsistent with the laws and constitution of this state or the United States; and may appoint, to serve during the session of any fair of the society, one chief marshal and as many assistant marshals as the directors may deem necessary, who shall perform all The marshal and his assistants.



duties usually devolving on such officers, and who shall, also, be a police force, with authority to make arrests for the breach of the peace or the rules or regulations of this society: *Provided*, the authority of said marshal and his assistants, as such police, shall not extend more than one mile from the place when and where said fair is held.

Sale of liquors,  
etc.

§ 7. That no person shall keep any shop, booth, tent, wagon or other carriage, for the sale of spirituous or other liquors or any provisions or any articles of traffic whatever, or sell or expose to sale, give, barter or otherwise dispose of, in or near any such shop, booth, tent, wagon or other carriage, or in any other way or place, any spirituous or other liquors, or any provisions, or any article of traffic whatever, at or within the distance of one mile from the ground where the society are holding their fair; nor shall any person, within the distance aforesaid, exhibit any shows or plays, unless the same shall have been duly authorized by the proper authority, previous to the commencement of such exhibition; nor shall any person, within the distance aforesaid, promote, aid or be engaged in any racing of animals, or in any gaming of any description whatever; nor shall any person obstruct the free passage of any highway, or traveled road, within the distance aforesaid: *Provided*, that nothing in this act [shall] affect tavern keepers, distillers, or others, exercising their calling at their usual legitimate places of doing business; nor any person who shall have a written permit from the president of the society to sell bread or other provisions, for the supply of persons attending the fair, their horses or cattle, such persons conforming to all rules and regulations of said society and the laws of the state.

Written permis-  
sion.

Collection of the  
fines and penal-  
ties.

§ 8. That any person who shall be guilty of a breach of this act, and shall be notified by any one of the directors, or by any one of the officers hereby authorized to make an arrest or seizure, or by any person that he, she or they are violating the laws; and if after such notice any person shall continue in such violation he, she or they shall forfeit and pay, for every such offense, any sum, not less than five nor more than fifty dollars to the society, to be recovered before any justice of the peace or court having jurisdiction of the prosecution; and any judge of the circuit or county court, sheriff, coroner, justice of the peace or constable of the county shall, upon view or information, and without warrant, apprehend any person so offending, and seize such booth, tent, wagon or other carriage, spirituous or other liquors and other articles of traffic, and convey the same to a place of safe keeping, and take the said person or persons before any convenient justice of the peace, having jurisdiction, together with an inventory of the things so seized, and the justice of the peace, upon complaint, on oath or affirmation, of any competent witness, shall issue his warrant, which the

said officer or constable shall have authority to serve, and cause the said offender to be arrested, and proceed forthwith to inquire into the truth of the accusation, and, if found true, shall enforce the penalty of this act.

§ 9. If the accused shall fail to pay such fine as said justice of the peace shall inflict, together with all costs of proceedings, including the necessary expense of such seizure, the said justice of the peace shall forthwith issue an execution, commanding any constable of the county in which such injury shall be had, to make the said fine and costs, necessary expenses and costs of execution, by sale of so much of the things so seized and of so much of the other property of the accused as shall be necessary therefor, and to make return thereof, in ten days thereafter; and the overplus of the things, so seized, as aforesaid, after the satisfaction of said execution, shall be delivered to the defendant, on demand.

Issue of execution

§ 10. In case the officer to whom said execution shall be delivered shall be unable to find sufficient property of such defendant to satisfy such execution, said society, upon affidavit of any of its officers, shall be entitled to a *ca. sa.* against the body of the defendant, as in other cases. The defendant in any suit under this act shall have the right of trial by jury, as in other cases, under the laws of this state.

§ 11. In addition to the other powers conferred the said society may, at any time, when a majority of the stockholders shall desire it, establish an institution of learning, in connection with said society hereby corporated. The object of said institution shall be to introduce a more thorough course of instruction in those branches of science that more directly concern an agricultural community, as well as the other arts and sciences. The directors of the said society, and their successors in office, shall be, *ex officio*, trustees of said institution of learning; and shall have power to erect the necessary buildings; to appoint a president, professors and teachers, also, other agents and officers; to confer degrees in the liberal arts and sciences, and to do any and all other things, for the encouragement of learning, which are lawfully done by the most approved seminaries and colleges in the United States.

Establishment of an institution of learning.

§ 12. To more fully carry out the provisions and intentions of the above section, there may be connected with said school a farm, for experimental purposes, and which shall be managed as the directors of said society may see proper.

Officers of the institution.

§ 13. This act shall give this society no claim whatever to any part of the general appropriation made by the state to the different county agricultural societies; and it is hereby expressly provided that this society shall be entitled to no part of such appropriation.

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

APPROVED February 15, 1861.

In force February 20, 1861. AN ACT to incorporate the Edgar County Agricultural and Mechanical Association.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That William Kile, Alanson Baldwin, Jera J. Blackman, William B. Webster, Samuel Graham, jr., Allen McClain, and their associates, heirs and assigns, and such other persons as shall hereafter become stockholders, by virtue of the provisions of this act, are hereby constituted and declared a body politic and corporate, by the name and style of "The Edgar County Agricultural and Mechanical Association," and by that name shall sue and be sued, plead and be impleaded, answer and be answered unto, in all courts of law and equity in this state.

Corporate name.

§ 2. That said association shall have power to make and establish such by-laws, rules and regulations, for the government of said association, and for the transaction of their business, as shall be deemed necessary and proper by said association, not inconsistent with the laws and constitution of this state or of the United States.

Capital stock.

§ 3. That the capital stock of said association shall consist of two thousand dollars, with power to increase the same to five thousand dollars, to be divided into shares of twenty-five dollars each.

§ 4. That said association may purchase real estate, for the purposes of said association.

§ 5. That the objects of said association shall be to advance the interest and encourage the improvement of agriculture and mechanics.

§ 6. That said association shall have succession and existence, as a body corporate, for the term of fifty years.

APPROVED February 20, 1861.

In force February 16, 1861. AN ACT to incorporate the Union Agricultural Society of Jo Daviess, Stephenson, La Fayette and Green Counties.

WHEREAS certain persons, residing in the counties of Jo Daviess and Stephenson, in the state of Illinois, and La Fayette and Green, in the state of Wisconsin, have form-



ed an agricultural society, under the name and style of "The Union Agricultural Society of Jo Daviess, Stephenson, La Fayette and Green Counties," and have adopted a constitution and by-laws for the government of said society; and whereas said society cannot be incorporated under the general incorporation law of this state, applicable to agricultural societies; therefore,

[SECTION 1.] *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the said society and such other persons as shall hereafter become members thereof, in conformity with the constitution and by-laws said of society, by the name and style of "The Union Agricultural Society of Jo Daviess, Stephenson, La Fayette and Green Counties," is hereby made a body corporate and politic; and by that name and style shall have perpetual succession; and may have and use a common seal, and may alter the same at pleasure; and by that name and style may sue and be sued, plead and be impleaded, appear, prosecute and defend, in all courts of law or equity, in this state; and in said courts shall have power to sue for and collect all gratuitous subscriptions, which are or may be made to said society; and may, in their corporate name, acquire and hold personal estate, not exceeding in value the sum of ten thousand dollars; and may acquire, by purchase or otherwise, and hold real estate, not exceeding in value, at any one time, the sum of twenty-five thousand dollars; and may alter or amend the constitution and by-laws of said society, in conformity with the provisions thereof or as the same may provide, from time to time; and may make all needful rules and regulations, concerning fairs and other exhibitions of said society, not inconsistent with the constitution and laws of this state.

Corporate name.

Corporate powers.

§ 2. Said society shall be entitled to and receive all the privileges conferred upon any agricultural society in this state, by virtue of the provisions of an act entitled "An act to aid and encourage agricultural societies," approved February 18th, 1857. And the county clerk of Jo Daviess county, upon the filing in his office, by the president and recording secretary of said society, a statement of the name and present officers of said society, shall be required to issue the certificate provided for in the first section of said act. And said society shall, annually, or as by their constitution and by-laws shall be prescribed, hold a fair or exhibition of agricultural, mechanical and other products, at, or near the town of Warren, in said Jo Daviess county; and, during the time of holding such fair or exhibition, said society shall have the sole and exclusive right to license, upon such terms and conditions as they may prescribe, the sale of all and every article of provisions, trade, traffic or merchandise whatever, (except spirituous and intoxicating liquors,) at or within one-half mile of the place of holding such fair.

Holding of fairs.

The prohibition of  
traffic.

§ 3. No person shall keep any shop, booth, tent, wagon or other carriage, for the sale of any article of provisions, trade, traffic or merchandise whatever, or sell or expose to sale, give, barter or otherwise dispose of, in or near any such shop, booth, tent, wagon or other carriage, or in any other way or place, any article of provisions, trade, traffic or merchandise whatever, during the time of holding any such fair or exhibition, at or within one-half mile from the place of holding the same; nor shall any person, within the distance aforesaid, exhibit any shows or plays, or promote, aid or be engaged in any racing of animals, without having first obtained a license therefor from said society.

Sale of liquors.

§ 4. No person shall sell, or expose to sale, or give away, barter or otherwise dispose of, in any way or place, at or within one-half-mile of the place of holding such fair or exhibition, during the time of holding the same, any spirituous or intoxicating liquors whatever; nor shall any person, at the time aforesaid, at the place, or within the distance aforesaid, promote, aid or be engaged in any gaming of any description whatever; nor shall any person obstruct the free passage of any highway or traveled road, within the distance aforesaid.

§ 5. The provisions of the three next preceding sections of this act shall not apply to any person or persons, when doing business at their regular and ordinary places of doing business, within the corporate limits of the town of Warren.

Penalties and for-  
feitures for vio-  
lation of rules.

§ 6. Any person guilty of violating any of the provisions of the third and fourth sections of this act may be immediately arrested and taken before some justice of the peace of the county, and shall forfeit and pay to said society the sum of not less than five nor more than fifty dollars, for each and every offense, to be recovered in an action of debt, to be commenced by arrest, as aforesaid, or by summons in the usual form, in the name of the said society, before said justice, together with cost of suit; and it shall be the duty of such justice of the peace to issue execution for such debt and cost forthwith or commit the offender to the jail of the county until said debt and cost are paid, as said society, by their prosecutor or counsel may elect.

§ 7. All acts and parts of acts inconsistent with the provisions of this act, or which conflict with the provisions thereof, are hereby repealed.

APPROVED February 16, 1861.



AN ACT to amend an act entitled "An act to incorporate the McLean County Agricultural Society," approved February 12, 1853. In force September 1, 1861.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the third section of the act to which this is an amendment be so amended, that a meeting of the members of said corporation, for the purposes therein mentioned, shall be annually held on the fair ground of said society, at one o'clock, p. m., on the second day of the annual fair thereof. Annual meetings.

This act to take effect and be in force from and after the first day of September next.

APPROVED February 13, 1861.

AN ACT to incorporate the Morgan County Agricultural and Mechanical Association. In force February 13, 1861.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That Moore C. Goltra, Stephen Dunlap, James T. Holmes, Austin Rockwell, William H. Broadwell, George Graff, Jephtha Dunlap, William Richardson, Stephen Green, Peter Roberts, Joseph H. Bancroft, and their associates and successors in office, and such other persons as now are or shall hereafter become stockholders, by virtue of the provisions of this act, are hereby constituted and declared a body politic and corporate, by the name and style of "The Morgan County Agricultural and Mechanical Association;" and by that name shall sue and be sued, plead and be impleaded, answer and be answered unto, in all the courts of law and equity in this state. Corporate name.

§ 2. That said association shall have power to make and establish a common seal, which they may alter and change at pleasure.

§ 3. That said association shall have power to make and establish such by-laws, rules and regulations, for the government of said association and for the transaction of their business, as shall be deemed necessary and proper by said association: *Provided, however,* such by-laws and regulations shall not be contrary to the constitution and laws of the state of Illinois or of the United States. Rules and regulations.

§ 4. That the capital stock of said association shall consist of ten thousand dollars, to be divided into shares of twenty dollars each. Capital stock.

§ 5. That said association may, from time to time, increase the amount of their capital stock, by a vote of the members of said association representing two-thirds of the capital stock thereof.

§ 6. That said association shall have power to loan and borrow money, on the security or credit of assets belonging to the said association.

Real estate.

§ 7. That the said association may purchase and hold and dispose of real estate, for the purposes of the said association: *Provided, however*, they shall not at any one time hold more than fifty acres.

Injury to property.

§ 8. That if any person or persons shall wantonly, willfully or maliciously turn in any kind of stock into the inclosure of said association, or negligently open any gate or gates of said inclosure, or tear down or destroy anything belonging to said association, or do any act by which said association may be damaged, he or they and any person assisting shall forfeit and pay to said association treble the amount of damages that shall be proved before any court having jurisdiction of the amount claimed, which may be sued for in the name of said association.

Transfer of stock.

§ 9. That the stock of said association shall be deemed and considered personal estate, and shall be transferable, by indorsement; but no transfer shall be valid or effected until such transfer be entered with and registered by the secretary.

§ 10. That the objects of this association shall be to advance the interests and encourage agricultural and mechanical arts and sciences.

§ 11. That said association may exist, as a body corporate, for fifty years from and after the passage of this act.

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

APPROVED February 13, 1861.

In force February  
20, 1861.

AN ACT to vacate an alley therein mentioned.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That the alley running north and south, through the center of block number fifteen, in the town of Davis, and county of Stephenson, be and the same is hereby vacated.

APPROVED February 20, 1861.

In force February  
22, 1861.

AN ACT for the relief of the Alton Bank and Jersey County Bank.

WHEREAS the Alton Bank, located at Alton, in Madison county, and the Jersey County Bank, located at Jersey-

ville, Jersey county, have, in pursuance of the act in force January 10th, 1855, entitled "An act to amend an act to establish a general system of banking and the act supplementary thereto," approved February 10th, 1853, filed with the auditor certificates of their desire and intention to withdraw their bills from circulation, and are now desirous of withdrawing and canceling said certificates and of resuming their business, as if no such certificate had been filed; therefore,

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the said Alton Bank and Jersey County Bank be and they are hereby authorized to withdraw and cancel said certificates, and to resume and transact their business and conduct their affairs, in every respect, as if said certificates, so filed by them, respectively, as aforesaid, had never been made and filed with said auditor: *Provided*, that prior to the withdrawal and cancellation of said certificates and the resumption of business by the said banks, the said banks shall furnish to the auditor satisfactory evidence that not less than fifty thousand dollars of actual cash capital has been duly subscribed and paid in by the stockholders of said banks, respectively, and shall also deposit with the auditor the amount of stock now required by the general banking laws of this state for the organization of a new bank under said law.

Withdrawal of  
certificate.

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

APPROVED February 22, 1861.

AN ACT to incorporate the German Savings Bank of Peoria, Illinois.

In force February  
20, 1861.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That Robert Strehlow, Gotfried Goldbeck, William Schempferrman, Theobald Pfeiffer, Louis Green, Adolph Matthies, and their associates and successors, and all such persons as shall become stockholders in the company hereby created, shall be a body politic, by the name and style of "The German Savings Bank," to be located in the city of Peoria, state of Illinois, and shall have succession; a common seal, the power in law and in equity of suing and being sued, the power to plead and be impleaded, the power of contracting and being contracted with, the power to appoint all necessary servants and assistants; and may have, enjoy and exercise all the power necessary to carry out and execute the purposes and intent of a savings bank, and to enact and execute such by-laws and regulations as they may think and deem proper for the control and well ordering of said bank.

Corporate name.



§ 2. The capital of said company shall be not less than fifty thousand dollars, with power to increase the same to one hundred and fifty thousand dollars—to be subscribed and paid for in the manner hereinafter provided; and shall be divided into shares of one hundred dollars each share; 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.

Duties and powers.

§ 3. The said corporation shall perform the duties and functions of a savings bank; shall have power to borrow money and receive money on deposit and give certificates for the safe keeping and return of the same, pay interest thereon and to loan the said money, at any rate of interest not exceeding that now allowed to individuals, to be charged by agreement of parties; to discount, in accordance with bank usage, and to take such security therefor, either real or personal, as the directors or managers of said corporation may deem sufficient; and may buy and sell exchange, bills, notes, bonds or other securities; may have and hold coin and bullion; may make such special regulations, in reference to trust funds and deposits, left for accumulation and safe keeping, as shall best aid said depositors or parties interested, by accumulating and increasing the same.

Possession and purchase of real estate.

§ 4. 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 to hold any real estate, in trust or otherwise, as security for or in payment of loans and debts, due or to become due, to the said company; and to receive and take in satisfaction of any such loan or debts any real estate and to hold and convey the same. Any real estate acquired in fee by this corporation and not held in trust or as security, other than what shall be necessary for the convenient use of the said corporation for the transaction of its business, shall not be held by the said corporation longer than five years, and shall, within that time, be sold and conveyed, either at public or private sale, so as to divest the said corporation of their title to and fee in the same.

Directors and stockholders.

§ 5. The affairs of the company shall be managed by a board of directors, of at least seven in number, who shall be stockholders in this company. The election of such directors shall be had by the stockholders when fifty thousand dollars shall have been subscribed to the capital of said corporation and twenty-five per cent paid thereon; and three of the incorporators named therein shall be commissioners to open books for subscriptions, which shall be done within ninety days after the passage of this act. The money, when received by the commissioners, shall be paid over to the directors, when elected. The directors shall elect a president from their own body, annually, and make and execute

such by-laws as may be convenient and necessary for the proper prosecution of the business of the company, not inconsistent with this act or with the laws of this state, or the laws of the United States; but no by-laws shall be made without the consent of a majority of the directors. And all the acts of the duly appointed officers and agents of this company, done and performed under the authority of the by-laws, shall be binding on the company. The board of directors shall have power to fill any vacancies that may occur in their own body—a plurality of votes constituting a choice. And a majority of the board present shall constitute a quorum for the transaction of business.

Filling of vacancies.

§ 6. The election of directors of this company shall be held, annually, at the office of the company; and the board of said directors 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 owned by 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 her name on the books of the company; and 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. No stockholder shall be entitled to vote who is in arrear to the company with the payment of the capital stock called for and due at the time of election.

Annual election of directors.

Qualifications of voters.

§ 7. At any time after the payment of the original stock of fifty thousand dollars, as hereinbefore provided, the board of directors may increase the capital of the company to the amount limited, or any part thereof, in shares of one hundred dollars each, in such manner as they may deem proper; and said increase shall be subjected to all the liabilities, immunities and privileges of the original stock, as provided in this act. Stockholders shall have the option of subscribing to such increased stock, *pro rata*, within such time as the directors may limit; of which due notice is to be given.

Capital stock.

§ 8. After the election of the first board of directors, as provided by a previous section of this act, the board of directors may call a meeting of the stockholders of this company, for the purpose of calling on an additional per centage per share of said stock; and if, at such meeting, a majority of the stockholders shall resolve to call on an additional sum, said meeting of stockholders shall fix the per centage, so to be called in; and the board of directors shall then call in such additional per centage, per share, of stock; to be paid in at such time and place as the board of directors may appoint. On due notice to said subscribers the shares of every stockholder, omitting to make such payment, shall be forfeited, together with all previous payments made thereon.

Additional per centage on shares.



After the payment of twenty-five per cent. on the amount subscribed, as provided in a foregoing section, the said company shall be considered fully organized, and may commence its business, in the full enjoyment of the privileges of this charter, at such place in the city of Peoria, in the county of Peoria, as the said board of directors shall elect.

Individual liability.

§ 9. Every stockholder of the company incorporated under this act shall be severally individually liable to the depositors with and creditors of the company to an amount equal to the amount of stock held by him, respectively, for all deposits made with and debts and contracts made by the company; but no stockholder shall be personally liable for the payment of any deposit made with or debts contracted by the company formed under this act, unless a suit for collection of such deposit or debt shall be brought against the company within one year from the time the same may be due or become due, nor until an execution shall have been returned unsatisfied, in whole or in part.

Deposits by minors, &c.

§ 10. Any minor or married woman shall have a right to deposit money with said company, in his or her name; and such deposit shall not be transferable, but shall be paid only to the depositors, or on his or her death to his or her administrator or next of kin.

Dividends.

§ 11. The board of directors shall have the power to declare dividends on the stock of said company, from time to time, and at any time after the accumulation of profits of said company shall exceed five per cent. on the amount of capital actually paid in, provided said dividends do not reduce the surplus of profits of the company below five per cent. on the amount of capital actually paid in.

§ 12. This company shall exist for the period of fifty years, from the day of the passage of this act, and shall be entitled to use all its corporate powers for two years thereafter, for the purpose of closing up its affairs.

§ 13. This act shall take effect and be in force from and after its passage, and be liberally construed by the courts in this state.

APPROVED February 20, 1861.

In force February 22, 1861.

AN ACT to incorporate the Merchants', Farmers' and Mechanics' Savings Bank.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That* Mordecai Myers, Thomas R. Jackson, Sydney Myers, Josias Grant and George P. Chappell, and such other persons as may become stockholders in the corporation hereby created, be

and are declared and constituted a body corporate, by the name and style of "The Merchants', Farmers' and Mechanics' Savings Bank;" and may have and use a common seal. Corporate name.

§ 2. The capital stock shall be fifty thousand dollars, and may be increased by said corporation to any sum not exceeding five hundred thousand dollars; shall be divided into shares of fifty dollars each, and deemed personal property. Each subscriber of stock shall pay, at the time of subscribing, twenty per cent. of the sum subscribed, and the remainder when called for by the said corporation. The corporators, or a majority of them, may open books, for the subscription of stock, at Galesburg, Knox county, state of Illinois, at such time and place as they may appoint, upon giving twenty days' notice thereof in some newspaper published in that county; and when the sum of thirty thousand dollars is subscribed the said corporation, or a majority of them, shall give notice of the time and place, in like manner, to the stockholders, to meet and elect directors and organize said corporation. The stockholders may elect five directors, who shall hold their office until their successors are elected and qualified under the by-laws of the corporation. The directors may elect a president and cashier, one of whom shall be a stockholder and director. The directors shall have power to fill any vacancy in their number. At each meeting of the stockholders each share shall be entitled to one vote, in person or by proxy. Capital stock.

§ 3. 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, deposit money with said corporation and receive certificate of deposit in their own names, and which deposits 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. Directors.

§ 4. The 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 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 therefor, not greater than 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, designed to circulate as money. The said corporation shall have power to loan money, to receive money on deposit and pay interest therefor, and to loan money, at any rate of interest, not exceeding ten per cent. Corporate powers and privileges.

per annum, or to discount, in accordance with bank usage; and in the computation of time thirty days shall be a month and twelve months a year; and take such security as the directors may see proper; may take stock in other corporations; may buy and sell exchange, bills, notes, bonds and other securities; and may have and hold coin and bullion.

Quorum.

§ 5. The business of said corporation shall be conducted by the directors, and in such manner as they may direct. Three of the directors, one of whom shall be the president or cashier, shall be a quorum to transact any business of the board of directors. The officers of said corporation shall perform such duties as may be enjoined upon them by the board of directors, and such as are usual in such corporations.

Purchase of real estate.

§ 6. The said corporation shall have power to purchase and hold all such real and personal estate as may be convenient for the transaction of its business; 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 said property, or to sell and convey the same, or any part thereof, at such price and under such conditions as the directors or officers think proper.

Liability of stockholders.

§ 7. All the stockholders of said corporation shall be severally individually liable to its depositors and creditors to an amount equal to the amount of stock held by them, respectively; and such liability shall continue for one year after the sale and transfer of any such stock by any stockholder; and no suit shall be brought against any such stockholder, for any such liability, who shall cease to be a stockholder, unless the same be brought within one year from the time he shall cease to be a stockholder: *Provided*, that the time that any suit that may be pending against the corporation, for the same cause of action, shall be deducted from the said term of one [year.]

§ 8. In case any stockholder shall fail to pay any installment for thirty days after a call therefor the directors may declare the stock forfeited to the corporation.

§ 9. This act shall take effect from and after its passage.  
APPROVED February 22, 1861.

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In force February 20, 1861. AN ACT to exempt certain property of the American Bible Society from taxation.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That the*



following property, that is now or may hereafter be owned by the American Bible Society, shall be exempt from all taxes whatsoever, to wit: real estate, not exceeding in value one thousand dollars, together with all bibles, and testaments, and articles of personal property, used by said society, or necessary for the prosecution of the objects of said society.

APPROVED February 20, 1861.

AN ACT to incorporate a benevolent institution in the city of Chicago, Cook county, under the name of "The City Mission and Church Home." In force February 22, 1861.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That Edmund B. Tuttle, Robert H. Clarkson, Clinton Locke, John O. Barton, Hiram N. Bishop, Edwin H. Sheldon, C. Rollin Larrabee, George P. Lee, John M. Loomis, John Kirk, and their successors, shall be and they are hereby constituted a corporation and body politic, by the name of "The City Mission and Church Home, of Chicago;" and by that name shall have perpetual succession; and may sue and be sued, implead and be impleaded; and may purchase and hold property, whether acquired by purchase, gift, or devise, and whether real, or personal, or mixed; and may make and have a corporate seal; and shall have all other rights belonging to similar corporations. Corporate name.

§ 2. *And be it enacted,* That the object of said association is hereby declared to be the care of and providing for the aged, the sick, the orphaned and the destitute, and such other purposes incidental and kindred to those above mentioned as the persons named in the first section of this act, and their successors, may prescribe. Objects of the association.

§ 3. *And be it enacted,* That the entire management of the affairs and concerns of said corporation, and all the corporate powers herein granted, shall be and are hereby vested in the persons named in the first section of this act. Management of affairs.

§ 4. *And be it enacted,* That the persons above named, and their successors, shall have power, from time to time, to enact by-laws for the regulation and management of the affairs and concerns of said corporation, and to fill vacancies in their number, occasioned by death, resignation, removal from the city of Chicago, and otherwise. Rules and regulations.

APPROVED February 22, 1861.



In force February 22, 1861. AN ACT to incorporate the Chicago Seamen's Mutual Benevolent Society.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That* Redmond Prindeville, president; Wm. P. Cardwell, vice-president; Daniel D. Wait, secretary; Edward I. Tinkham, treasurer, and the other members of the Seamen's Benevolent Society, now existing in the city of Chicago, and such other persons as may hereafter be admitted members of said society, according to the rules and regulations thereof, be and they are hereby declared and constituted a body politic and corporate, under the name and style of "The Chicago Seamen's Mutual Benevolent Society," and, as such society, shall remain and have succession for the period of seventy-five years, with power, in such name, to sue and be sued, plead and be impleaded, prosecute and defend, in all actions at law or in equity, and in all courts whatsoever; and also, in and by said name to acquire, purchase, hold and convey any property, whether real or personal; to have and use a common seal, and to alter the same at pleasure; and to make, alter and change, from time to time, a constitution and by-laws for said society, for the good order and government of the same: *Provided*, said constitution and by-laws shall not conflict with the laws or constitution of this state or of the United States.

Corporate name.

Corporate powers

Amount of real estate.

Place of meeting.

Objects of the society.

§ 2. The said corporation shall not, at any one time, hold real estate to a greater amount than fifty thousand dollars, nor personal property to a greater amount than fifty thousand dollars; and no property of said society shall be appropriated otherwise than for the benefit and improvement of said society, and to such benevolent purposes, and in such manner, as shall be provided for and directed in the constitution and by-laws of said society.

§ 3. The rooms and meetings of said society shall be kept and held in the city of Chicago; and in case any donation or bequest shall be made to said society, and the same shall be accepted, such donation or bequest shall be applied in conformity with the express conditions of the donator or testator.

§ 4. The object of this corporation is hereby declared to be the friendly union of the seamen of the port of Chicago, and the mutual, moral and financial improvement of its members, and also the accumulation of a benevolent fund, for the benefit and relief of distressed and disabled seamen, their widows and orphans.

§ 5. This act shall be a public act, and shall be in force for the period of seventy-five years from the date of its passage and approval, and shall be construed liberally, for the purposes of the corporation, as herein expressed.

APPROVED February 22, 1861.

AN ACT to incorporate the Young Men's Christian Association of Chicago. In force February 22, 1861.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That Cyrus Bently, J. P. Babcock, William Blair, E. S. Wadsworth, Tuthill King, Peter Page, Oerington Lunt, J. V. Farwell, Hugh T. Dickey, Henry W. Hinsdale, W. W. Boyington, T. M. Eddy, Robert Boyd, and their associates, are hereby created a body corporate, under the name of "The Young Men's Christian Association," and by that name shall be recognized in all courts of justice and equity in this State for the term of one thousand years. Corporate name.

§ 2. This association shall have power to hold real estate, for its own use, which shall be exempt from taxation for general purposes, either by the state or by municipal or county organizations, and, in this regard, be held and treated the same as church property; also, to make and execute all by-laws and regulations necessary for the government of its affairs, not repugnant to the laws of this state or the United States. Purchase of real estate.

§ 3. Real estate held by said association may be sold only by a vote of two-thirds of the members in regular standing; and transfers of title shall be made in the same manner as by other incorporated bodies.

APPROVED February 22, 1861.

AN ACT to amend an act entitled "An act to incorporate the Firemen's Benevolent Association, and for other purposes," approved June 21st, 1852, and for other purposes. In force February 22, 1861.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That section six of an act entitled "An act to incorporate the Firemen's Benevolent Association, and for other purposes," approved June 21st, 1852, be and the same is hereby repealed.

§ 2. It shall and may be lawful for the Firemen's Benevolent Association to distribute and divide the fund accumulated by said association, and to donate such fund to the various orphan asylums in the city of Chicago, and to the Home of the Friendless, in said city, in such manner and to such an extent as the said Firemen's Benevolent Association shall deem proper.

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

APPROVED February 22, 1861.

In force February  
21, 1861.

AN ACT to incorporate an Insane Asylum in Cook county, Illinois.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That J. Young Scammon, Ezra B. McCagg, Walter L. Newberry, William H. Brown, Cyrus H. McCormick, P. F. W. Peck, Grant Goodrich, Henry Farnam, Jonathan Burr and Samuel Hoard, and their successors and assigns, are hereby constituted a body politic and corporate, by such name and style as they shall hereafter, by resolution, to be recorded in a book of records, to be kept by them, see fit to adopt; and, by that name, to have perpetual succession; with power to contract and be contracted with; to sue and be sued, to plead and be impleaded, in all courts and places wherever judicial proceedings are or may be had; to have and use a common seal, and change the same at pleasure; adopt by-laws, rules and regulations for the management of its affairs and business; to have, hold and use such real, personal and mixed estate as may be necessary to its operations, and to sell and convey the same, and do all other acts necessary to the execution of the powers herein granted.*

Adoption of name

Treatment of the  
insane.

§ 2. The object and duty of said corporation shall be to make provision for the proper care and medical and moral treatment and support of such insane persons as may be placed under its charge, with a view to restoration to reason and usefulness.

§ 3. The said corporation is vested with power to select and purchase a site in Cook county, Illinois, on which to erect necessary buildings, with such additional land, not less than fifty acres, as it may have means to pay for, and to erect the necessary buildings thereon, for the accommodation and proper care and treatment of the insane; and for those purposes, may receive property, of any kind, and money, by donation, grant or devise, or any other mode of transfer, provided that property and money so received shall be applied as directed by the persons or corporation from whom or which received. And all promises and undertakings to convey or deliver property or pay money to the said corporation shall be binding, and deemed to have been upon valuable consideration.

Directors.

§ 4. The persons named in the first section of this act shall be the directors of said institution, to whom power is hereby granted to execute the provisions of this act; to appoint a medical superintendent, who shall be a married man, and of unquestionable ability; and all such other officers and agents as may be found necessary to the proper and economical administration of the business of the corporation.

Officers.

§ 5. The said directors shall appoint one of their body as president, and also appoint a secretary and treasurer, and prescribe and regulate their duties. Instruments of writing,



conveying, releasing or leasing real estate, shall be signed by the president, attested by the secretary, and sealed with the corporate seal.

§ 6. The medical superintendent shall have the entire and absolute government of all persons employed within the walls of the buildings, or in nursing or attending to the wants of the patients. Superintendent.

§ 7. The board of directors shall have the general charge and superintendence of the grounds, buildings, improvements, and of persons in their service; they shall fix the compensation and term of service of the medical superintendent, and the charges for the care and treatment of the insane, and adopt regulations for the reception and discharge of patients; and it shall be their duty to receive and provide for as many as their means will permit, always giving a preference to recent and curable cases over the chronic and incurable. Powers of the directors.

§ 8. For the purpose of perpetuating the existence of the corporation, the directors, for the time being, shall have power to fill all vacancies which may occur in the board. Vacancies.

§ 9. The certificate of two respectable practicing physicians of the insanity of any person whose condition they have examined and made themselves acquainted with, shall be sufficient evidence of insanity to justify the receiving and detaining such person in the hospital. Evidence of insanity required.

§ 10. The medical superintendent, and all other persons employed in said institution, shall be exempt from military duty, and from all personal services required of other citizens by the laws of the state; and said superintendent shall not be required to attend any court as a witness, but his deposition shall be taken and used: *Provided*, that in all criminal cases he may, when required to testify to facts, be compelled to attend and give evidence as other witnesses; but in cases where his testimony is required as an expert he shall not be required to attend as such witness, unless upon the order of the judge of the court in which such case is pending. Privileges and immunities of officers.

§ 11. All the property of said institution shall be forever free from all taxation, while the same, or the income or proceeds thereof, shall be used or devoted to the use and purposes of such institution. Exemption from taxation.

APPROVED February 21, 1861.



In force February 18, 1861. AN ACT to incorporate the Ministerial Education Society of the Methodist Episcopal Church.

Name and style.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That Grant Goodrich, Orrington Lunt, Henry S. Noyes, Thomas M. Eddy, Daniel P. Kidder, James G. Hamilton, and their associates and successors, be and they are hereby constituted a body corporate and politic, by the name and style of "The Ministerial Education Society of the Methodist Episcopal Church;" and by such name shall have perpetual succession, with power to sue and be sued, implead and be impleaded; to take and hold, by gift, grant, devise or otherwise, any property and estate, real, personal or mixed, and the same to manage, grant, sell, convey, lease, or otherwise dispose of, and to execute any trust or trusts that may be confided to said corporation for the promotion of the objects of this corporation; to have and use a common seal, and the same to letter at pleasure; to adopt by-laws for the regulation and government of the property and affairs of this incorporation, and to alter and to amend the same at pleasure: *Provided*, the same are not inconsistent with the constitution and laws of this state.

The objects of the society.

§ 2. The objects of this incorporation shall be, to aid and to promote the education of such pious young men for the ministry of the Methodist Episcopal Church, and in such ways and manner as to such corporation shall seem best.

§ 3. The said corporators, and their successors, shall hold their office for three years and until their successors are chosen and qualified. The said corporators, and their successors, shall have power to elect or provide for, and change the manner of their election and that of their successors, and also such associates and their successors, as they may, from time to time, see fit to admit as joint corporators and managers of said society, and who, when so elected, shall hold their office for the same time as said corporators and until their successors are chosen, and the above named corporators, their associates and successors, may, from time to time, by a vote of a majority of their whole number, lessen and reduce the number of such associates.

Exemption from taxes.

§ 4. The property at any time held or owned by said corporation, for the educational purposes aforesaid, shall be exempted from taxation: *Provided*, that said property shall not exceed fifty thousand dollars in value, to be exempt as aforesaid.

APPROVED February 18, 1861.

AN ACT to incorporate the Preachers' Aid Society of the Central Illinois Annual Conference of the Methodist Episcopal Church. In force February 18, 1861.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* There shall be established in the city of Peoria, Peoria county, and state of Illinois, a society, called and known by the name of "The Preachers' Aid Society of the Central Illinois Annual Conference of the Methodist Episcopal Church;" which shall be managed by nine trustees, appointed or elected by the said conference, at its annual meetings. Five of said trustees shall be members of said Central Illinois Conference, and four of them laymen, members of the Methodist Episcopal Church. The first three trustees named shall serve one year; the second three, two year; the third three, three years. They shall have power to fill vacancies which may occur in their own body in the interval of the annual conferences; hold meetings quarterly or oftener, when necessary, and hold an annual meeting at the call of the president, before the session of said annual conference, and render a full account, annually, to said conference, of all money on hand, or property, personal or real, held by them in trust for said society, and report any other business which shall tend to further or advance the benevolent objects of the society.

Location and corporate name.

The trustees and their powers.

§ 2. That Henry Summers, Andrew Magee, Jesse L. Knowlton, G. G. Worthington, L. L. Guyer, Ira E. Benton, John Chandler, Richard Hovey, and Charles Yocum, trustees, shall constitute a body politic and corporate, in the name and style of "The Preachers' Aid Society of the Central Illinois Annual Conference of the Methodist Episcopal Church," who shall manage the affairs of the society, as hereinafter mentioned; they shall appoint a president, secretary and treasurer, from among their own body, and make by-laws, conforming with the constitution of the state of Illinois, which by-laws shall or may be approved or amended by said conference, at their annual sessions; they shall have power to hold, dispose of, sell and convey property, personal and real, conveyed to them by gift, devise or otherwise received, for the use of said society. The president shall preside at all meetings of the board, or, in his absence, a president *pro tem.* shall be appointed by the trustees, five of whom shall constitute a quorum for the transaction of business. The secretary shall keep, in a book provided for the purpose, an exact record of all the meetings of the board, and attend to such correspondence as may be required for the benefit of the society. The treasurer shall receive and have charge of all money or moneys belonging to the society, subject to the order of the board of trustees.

The appointment of officers.

Secretary's records.

Treasurer's duty.

§ 3. All money, belonging to or received by the society, shall be paid to the treasurer, who shall, by the direction of the board, loan the same, for lawful interest, on good and

Disposition of the funds.

sufficient real estate security, the interest of which shall be paid, annually, by said treasurer, to the stewards of said annual conference, to be applied by said stewards as directed by section 4 of this instrument.

Relief of super-annuated ministers and others.

§ 4. The object of the said society is to support or relieve the superannuated or worn out ministers and preachers of the Central Illinois Annual Conference of the Methodist Episcopal Church, their wives and children, and the widows and orphan children of deceased ministers of said conference. Widows and orphan children shall be full claimants on the funds of the society. Superannuated preachers and ministers, having been six years or more members of an annual conference of the Methodist Episcopal Church, shall, from six to ten years, be allowed one-half of their claims; from ten to twenty years, three-fourths; and from twenty years and upwards, their full claims, according to their allowance, regulated by the discipline of the Methodist Episcopal Church. The above claims paid, *pro rata*, according to the amount of funds on hand. And the conference may, by its order, relieve any distressed member of its own body, from the funds of the society.

Subscriptions and donations.

§ 5. The trustees may receive funds, by subscription, donation or bequest, or otherwise; hold real and personal property, for the benefit of the society, and hold funds, the income of which shall not exceed two thousand dollars per year.

§ 6. Any person paying, annually, one dollar or more, shall be a member of the society, and ten dollars, paid at one time, a member for life.

Corporate powers

§ 7. Said corporation shall forever be able and capable, in law and equity, to sue and be sued, to implead and be impleaded, to answer and be answered, and to defend and be defended, in all manner of suits, or actions at law, or in equity, of whatever kind or nature, in the same manner as any or all private person or persons may do; and may have a common seal, and may make, alter or renew the same, at pleasure.

APPROVED February 18, 1861.

In force February 18, 1861. AN ACT to incorporate the Preachers' Aid Society of the North Illinois District of the Methodist Protestant Church.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That P. J. Strong, R. T. Shinn, J. W. Bush, C. Gray, William Ross, Jacob Ross, L. S. Bartlett, R. Burns, and J. Mulloane, and their successors, be and they are hereby created and constituted a body politic and corporate, under the name and*



style of "The Preachers' Aid Society of the North Illinois District;" and henceforth shall be known by that name and style; to remain and have perpetual succession, and power to sue and be sued, to plead and be impleaded; to acquire, hold and convey property, real, personal and mixed, in all lawful ways; to have and use a common seal, and to alter the same at pleasure; make and alter, from time to time, such by-laws and rules of order, for their own government, as they may deem necessary and proper, and for the control also of the officers and agents of said society: *Provided*, the same are not contrary to the constitution and laws of this state or the constitution of the United States.

Corporate name  
and powers.

§ 2. The board of trustees of said corporation or society shall be under the control of the North Illinois Annual Conference of ministers and laymen of said North Illinois District of the Methodist Protestant Church, and shall be elected at or during its regular annual sessions, in the manner following: Said board shall be divided into three classes, each of which shall consist of three members, and continue in office for three years or until their successors are elected, except the first and second classes, whose term of office shall expire and whose successors shall be elected, respectively, at the first and second sessions of said annual conference next after the passage of this act.

Board of trustees  
and term office.

§ 3. The objects of this corporation shall be: *first*, to aid in the support of the superannuated ministers and preachers belonging to said conference, their wives, widows and children; *second*, to assist in making up the annual deficiencies of the salaries of the regular itinerant ministers and preachers in the service of said conference; and, *third*, to assist in the establishment and support of missions in the bounds of said district. The disbursement of all funds of said society shall be made in accordance with the above objects, by said board of trustees, on such basis as may be adopted by said annual conference, from time to time, and, in the absence of any such conference election, in accordance with their own judgment of the necessities and merits of the respective claimants.

Aid of superan-  
nuated ministers  
and others.

§ 4. The officers of this corporation shall consist of a president, vice president, treasurer and secretary, who shall be elected by the same, and shall hold their offices for one year or until their successors be chosen. It shall be the duty of the president to preside at all meetings of the board, preserve order, and perform such other duties as the same may require of him. It shall be the duty of the vice president to discharge the duties of the president, in the absence of the latter. It shall be the duty of the treasurer to receive, safely hold and pay out, upon order of the president, countersigned by the secretary, all moneys belonging to the society; he shall give satisfactory security for the safe-keeping and prompt payment of all funds of the corporation intrust-

Officers of corpo-  
ration.



ed to him, which security shall be approved by the president and vice president and secretary ; and discharge such additional duties as the society shall prescribe. It shall be the duty of the secretary to keep a faithful record of all proceedings of this corporation in a book adapted to the purpose, preserve all papers belonging to the same, pass them over to his successor, and discharge all the duties usually devolving upon like officers in similar societies.

Property of the corporation.

§ 5. Said corporation shall have power to acquire and shall be competent, in law and equity, to take to themselves, in their said corporate name, real, personal or mixed estate, by gift, grant, bargain and sale, conveyance, will, devise or bequest, of any or person persons whomsoever, but not to exceed in value the sum of thirty thousand dollars ; and the same estate, whether real, personal or mixed, to grant, bargain, sell, convey, devise, let, place out at interest, or otherwise dispose of the same, for the uses and purposes of said corporation aforesaid, in such manner as to them may seem most conducive to its interests and objects.

Violation of charter.

§ 6. Should this corporation, at any time, act contrary to the provision of this charter or fail to comply with the same, upon complaint being made to the circuit court of Bureau county, in this state, *scire facias* shall issue, and the circuit attorney shall prosecute, in behalf of the people of this state, for the forfeiture of this charter.

§ 7. This act shall be a public act, and shall be construed liberally, in all courts, for the purposes herein expressed, and shall take effect from and after its passage.

APPROVED February 18, 1861.

In force February 12, 1861.

AN ACT to incorporate the United Brethren of Belleville, and to repeal an act entitled "An act to incorporate the Belleville Grove No. 1 of the U. A. Order of Druids of the State of Illinois."

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That Adam Aulback, Baruch Canmen, John Albrecht, and their associates, be and are hereby constituted a body politic and corporate, by the name and style of "The United Brethren of Belleville;" and by that name may sue and be sued, plead and be impleaded; and by that name and style be capable, in law, of purchasing, holding and conveying real and personal property, for the use of said corporation: Provided, that said corporation shall not at any time hold property to an amount exceeding in value twenty thousand dollars.*

Objects of the corporation.

§ 2. The objects of said corporation shall be mutual relief and assistance, in case of need and sickness, and support of widows and orphans of members ; and, for the pur-

pose of carrying into effect the objects of this act, the said Aulback, Canman and Albrecht are hereby made trustees, to act in the name and for the said corporation, until their successors are appointed, according to the constitution and by-laws or regulations made or to be made by said corporation.

§ 3. The said corporation shall have power to make, for its government, such constitution, by-laws and regulations as its members may deem necessary, not inconsistent with the constitution and laws of this state or the United States. By-laws.

§ 4. The act to incorporate the Belleville Grove No. 1 of the U. A. Order of Druids of the State of Illinois, approved February 10, 1857, is hereby repealed: *Provided*, no repeal of said last mentioned act shall, in any wise, impair any contract or obligation made by or with the corporation thereby created.

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

APPROVED February 12, 1861.

AN ACT to authorize Admiral K. Bosworth to transcribe certain records. In force February 22, 1861.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That Admiral K. Bosworth be and he is hereby appointed a commissioner, to transcribe the following record of Coles county, Illinois: 1st: The record of all deeds, mortgages, patents, &c., for the conveyance of real estate, lying within Cumberland county, and recorded in Coles county prior to the formation of Cumberland county. 2nd: The record of all letters of guardianship and the settlements of guardians, where the estate of the ward was situated in that portion of Coles county out of which was afterwards formed the county of Cumberland. 3d: The record of all decrees and judgments of the circuit court, upon which real estate has been sold, lying within Cumberland county, Illinois, rendered and entered of record prior to the formation of Cumberland county; also, all decrees affecting the title to real estate, rendered as aforesaid, where the real estate is situated in Cumberland county. 4th: All records of the probate court of Coles county relating to the settlement or disposition of estates situated in Cumberland county, made prior to the formation of Cumberland county. 5th: All records of roads and the plats thereof, lying within Cumberland county, made prior to the formation of Cumberland county. 6th: All other records which may be designated by the board of supervisors of Cumberland county.

Record books.

§ 2. The board of supervisors of Cumberland county shall, within twelve months after the passage of this act, procure a suitable number of well bound books, in which to transcribe the records aforesaid, appropriately designated, and deliver them to the said commissioners.

Oath.

§ 3. The said commissioners shall, within a reasonable time after the delivery to him of the records aforesaid, take an oath, before some person, by law authorized to administer oaths, to faithfully discharge the duties enjoined upon him by this act; which said oath shall be indorsed upon a copy of this act, and the same shall be recorded by the recorder of Cumberland county on the first page of each of the records furnished as aforesaid; and the said commissioners shall, at the conclusion of each volume, append his certificate that the records included in the same have been truly transcribed.

§ 4. The said records, when so transcribed, may be read in evidence in all courts where the original records could have been read in evidence.

Compensation for services.

§ 5. The said Admiral K. Bosworth shall be allowed for his services, in transcribing the records aforesaid, the sum of ten cents per one hundred words by him recorded, but shall receive no additional pay for examining records, making plats, &c.; the same to be audited by the board of supervisors of Cumberland county, and paid out of the treasury of said county.

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

APPROVED February 22, 1861.

In force February 22, 1861. AN ACT for the relief of James L. Brown, late collector of the revenue in Alexander County.

WHEREAS James L. Brown, sheriff and *ex-officio* collector of the revenue of Alexander county, for the years A. D. 1854 and 1855, did, in the year A. D. 1856, pay into the treasury of the state the sum of \$110, 84 cents of state taxes more than he collected, by reason of the omission, on the part of the county clerk, to allow him his proper and just abatements at the June term of said court; therefore,

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the auditor be and he is hereby authorized to draw his warrant on the treasury, in favor of the said James L. Brown, for the said sum of one hundred and ten dollars and 84 cents.

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

APPROVED February 22, 1861.



## AN ACT to incorporate the Byron Bridge Company.

In force February  
22, 1861.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That George Northup, Nathaniel Belknap, Silas St. John Mix, A. O. Campbell, Lucius Read, and J. P. Smith, and their associates and assigns, are hereby created a body politic and corporate, by the name and style of "The Byron Bridge Company;" and by that name may have perpetual succession; may sue and be sued, plead and be impleaded, in all courts and places where legal proceedings are had; contract and be contracted with; may make all needful by-laws and rules, for the government of said company; may appoint all officers and agents deemed necessary for that purpose.

Corporate name  
and powers.

§ 2. The capital stock of said company shall be thirty thousand dollars, and shall be divided into shares of fifty dollars each, provided said company may have power to increase the capital stock to forty thousand dollars, if deemed necessary to carry into effect the provisions of this act; the additional stock to be divided into shares of fifty dollars, as aforesaid.

Amount of capital  
stock.

§ 3. A. O. Campbell, Lucius Read and J. P. Smith are hereby constituted a board of commissioners, for the receiving of subscriptions to the stock of said company; which said subscriptions may be made at such place or places, and after such notices, and upon such terms, as shall be agreed upon by a majority of said commissioners.

Commissioners for  
receiving - sub-  
scription.

§ 4. The affairs of such company shall be managed by a board of five directors, three of whom shall be a quorum to do and perform the business of said company; and as soon as fifteen thousand dollars of stock shall be subscribed, in pursuance hereof, said commissioners, or a majority of them, shall call a meeting of the stockholders of said company, at which meeting said stockholders shall elect five directors, who shall hold their office for one year and until their successors shall be elected and qualified; and at all elections held by the stockholders of said company each stockholder may vote, personally or by proxy, and cast one vote for each share of stock held by such stockholder. The time and place of holding the first election may be fixed by said commissioners, or a majority of them; and all subsequent elections shall be held and regulated according to the by-laws of said company.

Directors.

§ 5. Said company, when organized by the election of directors, as aforesaid, may construct and maintain a bridge over Rock river, at Byron, in the county of Ogle; and for the purpose of constructing and maintaining such bridge and all embankments, approaches, toll houses and dwelling houses, for collectors, and such other works as may be requisite for said bridge, the said company may take possession of and use so much of the bed and shores of said

Construction of  
bridge.



river, or any public highway, street or alley of said village of Byron, as shall be necessary. The said company shall have the same privilege, in procuring the right of way and material for building said bridge, as are allowed officers of highways under the law of township organization.

Erection of toll  
gate.

Rate of tolls.

§ 6. The said company are hereby authorized, after the completion of said bridge, to place a toll gate at either end thereof, where they may charge and receive the following rates of toll, for crossing said bridge, to-wit: For each vehicle, drawn by two horses, mules, asses or oxen, fifteen cents; for each additional horse, mule, ass or ox, attached to such vehicle, three cents; for each vehicle, drawn by one horse, mule, ass or ox, ten cents; for each hog or sheep, one cent; for each head of horses, mules, asses or cattle, other than enumerated as aforesaid, three cents; for each footman, three cents; for each man and horse, five cents: *Provided*, said company may charge double tolls for all crossing between the hours of nine o'clock P. M. and five o'clock A. M., going and returning.

Punishment for  
injuries done to  
the bridge.

§ 7. Said company shall, at all times, after the completion of said bridge, keep the same in good repair, and allow all persons a speedy passage with their animals and vehicles, upon the payment of the tolls, as specified herein; and said bridge shall be deemed a public highway, within the meaning of the laws providing for the punishment of persons injuring, obstructing or destroying public highways or bridges in any manner whatever: *Provided*, that if said bridge shall be destroyed by fire or flood, or require, from any cause, to be rebuilt, said company shall be allowed a reasonable time to rebuild the same.

Towns to take  
stock.

§ 8. Any township in Ogle county, under the township organization law, may take stock in said bridge, provided that at the annual meeting in such town a majority of the legal voters, voting at such town meeting, shall vote to take stock in said bridge, and shall determine the amount of stock to be taken by said township. The supervisor and town clerk of any such town shall execute all bonds or other obligations, on behalf of said town, which shall be directed to be executed by the vote of said town, at such annual town meeting, to secure the payment of the stock so taken by such town: *Provided*, that the amount of stock taken by any one town shall not exceed twenty thousand dollars.

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

APPROVED February 22, 1861.

AN ACT to amend an act to authorize a company to build a bridge across the Illinois river, at the city of Henry. In force February 22, 1861.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the fifteenth section of the act to authorize a company to build a bridge across the Illinois river, at the city of Henry, approved February 17th, 1857, be so amended that the time for building and completing said bridge be extended until the tenth day of January, 1867.

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

APPROVED February 22, 1861.

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AN ACT extending the time for building a certain bridge over Mill creek, in Pope county, Illinois. In force February 22, 1861.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That all the powers and privileges granted to Philip Vinyard, by an act entitled "An act to amend an act entitled 'an act to authorize Jonathan C. Willis to build a toll bridge across Mill creek, in Pope county,'" are hereby continued and extended until the first day of September next, together with all the restrictions in said act.

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

APPROVED February 22, 1861.

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AN ACT to authorize the city of Chicago to make an assessment to pay the damages caused by the building of a bridge at Van Buren street, in said city, and to pay certain claims against said city. In force February 20, 1861.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* The common council of the city of Chicago is hereby authorized and directed, on or before the making of the next general tax levy on said city, to appoint commissioners to make an assessment on the property by the assessors, when appointed, deemed benefited by the building of the bridge at Van Buren street, in said city, in the year 1858, for an amount sufficient to pay and satisfy the claims against said city, remaining unsatisfied, for damages caused by reason of the building of said bridge and widening of said river, at that point, with the costs, expenses and disbursements, including Assessment by commissioners.

amounts due Mahlon D. Ogden, Robert Shepard and Reuben Taylor, attending a former assessment of said damages; and such assessors shall, at the time of the making of such assessment, assess as well the damages and the benefits caused by the building of said bridge.

§ 2. This act shall be in force from and after its passage.  
APPROVED February 20, 1861.

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In force February 16, 1861. AN ACT to amend the charter of the Illinois River Bridge Company at Ottawa, and to repeal an act amendatory thereof, approved on the 13th of February, 1857.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the word "repeated," in the last line of section one, of "An act to amend the charter of the Illinois River Bridge Company of Ottawa," approved February fifteenth, eighteen hundred and fifty-five, is hereby stricken out and the word "legalized" substituted in lieu thereof—the said word "repeated" having been, by mistake in copying, substituted for the word "legalized;" and said mistake shall in no way affect the rights of said company; but the said section shall be construed as if the last word of the same had originally been correctly written "legalized."

Exclusive rights. § 2. No other bridge, authorized to collect tolls from passengers, shall be built across said Illinois river within three miles of said bridge within seven years after the passage of this act.

§ 3. This act shall be deemed and taken to be a public act, and shall take effect and be in force from and after its passage; and an act entitled "An act to amend the charter of the Illinois River Bridge Company at Ottawa and to authorize certain towns in La Salle county to loan money to said company, and to provide for building a bridge across Coral creek, in La Salle county," approved February thirteenth, eighteen hundred and fifty-seven, be and the same is hereby repealed.

APPROVED February 16, 1861.

AN ACT to protect the wire suspension bridge over the Kaskaskia river, at or near the town of Carlyle, in Clinton county. In force February 18, 1861.

SECTION 1. *Be it enacted by the People of the state of Illinois, represented in the General Assembly,* That, for the protection of said bridge, no horse, buggy, carriage, cart, dray, wagon or other vehicle of any description, shall be allowed to travel over said bridge at a faster rate than a walk; nor shall any stock drover of horses, mules or cattle, be allowed to let more than ten of any of the above named loose stock on said bridge at any one time; and any person or persons violating the provisions of this act shall be guilty of a misdemeanor, and shall be fined, not less than ten nor more than one hundred dollars, recoverable before any justice of the peace in said county; and after judgment has been had against him or them, in default of payment, he, she or them shall be committed to jail, and there to remain until said debt or fine is paid. Any person seeing this act violated, who is competent, shall be a competent witness. Fast driving, and penalties therefor.

§ 2. And it shall be the duty of the county court of said county, and they are hereby required, to have painted and put on a board, at each end of said bridge, the penalties imposed by this act; and if any person or persons shall cut, mark or deface said sign board, so put up, he or they shall be guilty of a misdemeanor, and shall be liable to all the penalties imposed by the first section of this act. And all fines collected under this act shall be paid into the county treasury. This act to take effect from and after its passage. The erection of sign boards.

APPROVED February 18, 1861.

AN ACT to prevent injury to the Oregon Bridge.

In force February 21, 1861.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That if any person or persons shall, hereafter, in crossing the bridge over Rock river, at Oregon, in Ogle county, Illinois, lead, ride or drive any beast, carriage or other vehicle, in a faster gait than a walk, shall be fined, for every such offense, the sum of ten dollars. Fast driving.

§ 2. That if any person or persons shall lead, ride or drive any wagon or other vehicle over said bridge, with more than four horses or other animals attached to the same, shall be fined in the like sum of then dollars.

§ 3. That in crossing cattle and horses over said bridge, not more than then head shall be permitted to pass over or be on one span at a time; and any person or persons who shall violate this section shall be fined in the sum of twenty-five dollars.



§ 4. That if any person or persons shall move or place upon said bridge any building, engine boiler or other cumbersome article, the weight of which will exceed eighty hundred pounds, shall be fined in the sum of fifty dollars.

§ 5. That any such fine may be recovered by an action of debt, in the name of the people of the state of Illinois, before a justice of the peace; and that any person may be a witness in any such prosecution, notwithstanding his being a resident of said town of Oregon; and that all such fines shall be paid over to the highway commissioners of said town of Oregon, and shall be used by said commissioners in repairing and maintaining said bridge. That this act shall not in anywise affect or prevent said town maintaining and prosecuting any action for any injury said bridge may have sustained and for which a penalty is herein provided.

That this act shall take effect and be in force from and after its passage.

APPROVED February 21, 1861.

In force February  
22, 1861.

AN ACT to amend an act entitled "An act to incorporate the Brighton Hotel and Stock Yard Company," and to change the name thereof.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the corporation created under and by virtue of "An act to incorporate the Brighton Hotel and Stock Yard Company," approved February 14th, 1857, is hereby authorized to change its name to that of the "Brighton Company;" and by that name the said company shall succeed to and hold all the rights, privileges, powers, franchises and property conferred or acquired under the original act of incorporation; and sections four (4) and six (6) of said act of incorporation are hereby so amended as to authorize the stockholders of said Brighton Company, at any annual election of directors of said company, to reduce the number of said directors to three (3.)

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

APPROVED February 22, 1861.

AN ACT to change the name of the Bloomingdale Cemetery Association, in Du Page county. In force February 13, 1861.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the name of the Bloomingdale Cemetery Association, in Du Page county, is hereby changed to "The Greenwood Cemetery Association."

APPROVED February 13, 1861.

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AN ACT to incorporate the Belleville Oakwoods Cemetery Association. In force February 22, 1861.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That Henry Goedecking, Samuel Stookey, George Trumbull, C. T. Elles, T. J. Kraefft, Sharon Tyndale, Theophilus Harrison, David Swyer, William S. Thomas, William Homeier and Louis Rauschkolb, or any five of them, be and they are hereby constituted a body politic and corporate, by the name and style of "The Belleville Oakwoods Cemetery Association;" and by that name to have perpetual succession, and shall have and possess and be invested with all the powers, rights, privileges and immunities incident to a corporate body.

Corporate name and powers.

§ 2. The objects of the said association shall be to lay out, inclose, improve and ornament a piece of ground, as a burial place for the dead; and for these objects the persons above named, or any five of them, and any other or others whom they may elect as associates, may acquire, by purchase or donation, any lands adjacent to the city of Belleville, in the county of St. Clair, not exceeding one hundred acres, and may sell and convey the same, in parcels or lots, one or more, of such dimensions as they may determine upon.

Inclosure of burial ground.

§ 3. The officers of the said association shall be such as the members of the association, or a majority of them, may, from time to time, determine upon and elect; and the duties and privileges of such officers shall be determined by a majority of the members of the association; and any or all of the business or affairs of the association may be conducted by one or more officers, at the election of a majority of the members.

Officers of the association.

§ 4. The members of this association, or three-fourths of them, may, from time to time, increase their numbers; and a majority of them may make by-laws, rules and regulations for their government, in all matters concerning the association and its business and affairs; they shall procure a

Rules and regulations.

corporate seal, with such device or devices as they may choose, wherewith all deeds, certificates and other writings, made and issued by said association, shall be sealed; and they shall keep a legible, clear and true record of all proceedings, orders, purchases, sales, payments, receipts and burials, with name, birth-place and age, when obtainable, of the deceased; which record shall be open to the inspection of any or all of the members of said association: *Provided*, that the officer whose duty it shall be to make such record shall not be compelled to record burials, with name, etc., without a fee, not exceeding sixty cents, to be paid by the party requiring the record.

Laying out of grounds. § 5. The association shall cause the ground which they may acquire, or any part thereof, to be laid out into lots, avenues, walks and alleys, suited to the objects hereinbefore named; and whenever the same is so laid out and recorded in the office of the recorder for St. Clair county, the part so laid out, and dedicated, and kept for the objects hereinbefore named, shall forever thereafter 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, the majority of the members of the association and owners of lots shall consent thereto. But the association may lease or rent out any portion of the ground which they may have acquired and not laid out, as above described, and use the income from the same for the objects hereinbefore mentioned.

Conveyance of lots. § 6. The conveyance of lots from the association to individuals may be by certificate, signed by two officers, thereto authorized by the association, and sealed with the corporate seal of the association; and every such certificate, so signed and sealed, or the record of the same, made by the proper officer of the association, or a certified and sealed copy of such record of the same, shall, either of them, be evidence of ownership, in any court in this state.

Record of lots sold. § 7. Lot owners may hold one or more lots, as tenants in common; but no lot shall be so alienated that different persons may hold the same, or parts thereof, in severalty; nor shall the conveyance of any lot or lots, from any owner or owners to any other person or persons, be valid or complete, until the same shall have been entered upon the record of the association, and until a sealed certificate of purchase or conveyance shall be issued by the proper officer of the association—for which sealed certificate said officer shall be entitled to a fee, not exceeding sixty cents.

Lots to be kept in good order. § 8. The association may require any lot owner or owners to keep in good order and repair any lot or lots owned by him, her or them; and, to the effect thereof, should such owner refuse or delay, beyond thirty days, after written notice, to repair or put in order his, her or their lot or lots,

then such owner or owners shall be debarred from all rights, privileges, immunities and proceedings, in all and any matter or matters concerning the association or owners of lots, and remain so debarred until such repair or order be completed: *Provided*, that the association shall not require, at any one time, any repairing or putting in order which shall exceed in cost the original purchase price of the lot or lots needing such repairs.

§ 9. Lot owners shall, at all times, have a right of way, in his or her own person, over any avenue, walk or alley, laid out for the objects of the association, and also to pass and repass, in conformity with the rules and regulations of the association, over any of the avenues, walks or alleys, so laid out. Right of way-

§ 10. Any person who shall destroy, injure, disturb, or in any way molest any tomb, vault or grave, within the inclosure of the said association, with the intention or purpose of removing any body, or clothing, or ornament, or jewel, therefrom, or any person in any way aiding or abetting in the same, without written permission to [from] the proper officer of the association, shall be deemed guilty of felony, and, upon conviction, shall be fined in a sum sufficient to pay all the costs of replacement and repair, and all the costs of arrest, and suit, and prosecution, and shall be imprisoned in the state penitentiary for a term not less than one year. Molesting graves. cf

And any person who, without consent of the owner or owners of the lot or lots whereon the same may stand, shall destroy, injure, disturb, or any way molest any monument, slab, stone, tree, shrub, plant, or other thing, within the inclosure of the said association, shall be deemed guilty of an offense, and shall, upon conviction, be fined in a sum sufficient to pay all the costs of replacement and repair, and all the costs of arrest and prosecution, and shall be imprisoned in the county jail for a term not less than three months. Injury of destruction of property.

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

APPROVED February 22, 1861.

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AN ACT for the vacation of the Cemetery in the town of Cambridge, in the county of Henry. In force February 20, 1861.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That the cemetery or burying ground, platted and formerly used by the citizens of Cambridge, and situated adjoining said town of Cambridge, in the county of Henry, and state of Illinois,



and situated on section No. seven, township No. fifteen north, range three east of the fourth principal meridian, in the county and state aforesaid, be and the same is hereby declared vacated.

§ 2. The trustees of said town are hereby authorized to remove, or cause to be removed, to the new cemetery, (lately purchased and platted, situated on section thirteen, township fifteen north, range two east,) all persons heretofore buried in the old or first-named cemetery; and, for that purpose, may pass such ordinances as they may deem proper.

§ 3. The said trustees, after having caused the removal aforesaid, shall have power to sell or dispose of the grounds now occupied in the old cemetery, and apply the proceeds to the improvement of the new cemetery.

APPROVED February 20, 1861.

In force February  
18, 1861.

AN ACT to incorporate the El Paso Cemetery Association.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That Samuel L. Kerr, Robert A. McClellan, Lewis B. McOmber, Alexander Hawthorn and Alanson Stockwell and their associates, in the town of El Paso, in the county of Woodford, and their successors, be and they are hereby constituted a body corporate and politic, by the name and style of the "El Paso Cemetery Association," and, by that name, shall have perpetual succession, and shall have all the powers, privileges, liabilities, and immunities incident to a corporate body.

Corporate name.

Laying out  
grounds.

§ 2. 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 forty acres, which shall be exempt from taxation, from attachment and execution, to be used as a burial place for the dead.

§ 3. Said association shall have power and authority to obtain possession of real estate, by purchase, exchange, or otherwise, for cemetery purposes, and to hold the same, to an amount at no time exceeding forty acres, and to sell, exchange or dispose of any part or parcel of land, not actually needed for cemetery purposes: *Provided, always,* that the amount be not reduced to less than twenty acres.

Lots.

§ 4. Said association shall have power to lay out said burial place into lots, of suitable size for family burial departments, and sell the same; the purchaser of which shall use said lot as herein contemplated, and for no other purpose whatever.

§ 5. The proceeds of such sale and other funds which may come into the possession of the association shall be appropriated and used in paying for and laying out the grounds and in improving and ornamenting the same, or in other objects connected with the incorporation. Application of funds.

§ 6. The officers of this association shall consist of five trustees, who shall choose from their number a president and a secretary, who shall also act as treasurer. Said officers shall hold their office for two years and until their successors are elected. The election for officers shall be held on the first Monday in March, biennially; but any failure to elect officers at the proper time shall not operate as a forfeiture of this act of incorporation. Trustees.

§ 7. Every member, holding one or more lots, shall be a member and entitled to one vote only.

§ 8. The right of property to any lot or lots, which may be sold by said association shall be vested in the purchaser by a certificate of purchase, signed by the president and countersigned by the secretary, and shall be recorded in a book kept by the secretary for that purpose; and every transfer of such certificate shall be made by surrendering the same to the secretary, who shall then issue a new certificate and cancel the former. Book of record.

§ 9. The said corporation shall have power to make, establish and change by-laws, and prescribe rules and regulations for the government of said cemetery association and its officers, and shall have power to raise, upon an assessment upon the owners of lots, such sums as may be necessary to keep the inclosing walls or fence in repair. Rules and regulations.

§ 10. The said association shall set apart, and hold sacred for that purpose, a portion of the ground within their boundaries, sufficient to bury the poor and strangers. Burial of the poor

§ 11. If any person shall clandestinely open any tomb or grave in the inclosure of the El Paso Cemetery Association, and shall remove or attempt to remove any body or remains therefrom, such person, upon conviction thereof, in any court of competent jurisdiction, shall be sentenced to undergo an imprisonment in the state prison, at hard labor, for a term of not less than six months or more than one year, or pay a fine of not more than five hundred or less than one 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, gravestone, or other structure, placed within the inclosure of said cemetery association, or any fence, railing, or other work, erected for the protection or ornament of said cemetery, or any tomb, monument, gravestone, or other structure, placed therein, as aforesaid, or shall willfully destroy, cut, break, injure, or remove any tree, shrub, plant, or part thereof, within the limits of said cemetery, or shall shoot or discharge any gun, or other firearms, or any fire- Molesting tombs.  
  
Injury to property.

works or other missile, capable of doing any injury to any structure or plant, as aforesaid, within the limits of said cemetery, as aforesaid, shall be deemed guilty of a misdemeanor, and shall, upon conviction thereof, before any justice of the peace, be punished by a fine of not less than five 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 for a term not exceeding one year, or both, at the discretion of the court having jurisdiction thereof, according to the nature and aggravation of the offense; and such offender shall also be liable in an action of trespass, to be brought against him in any court of competent jurisdiction, in the name of said association, to pay all such damages as shall have been occasioned by his unlawful act or acts; which money, when received, shall be applied by the said corporation, under the direction of the board of trustees thereof, to the reparation and restoration of the property destroyed or injured, as above; and members of the said corporation shall be competent witnesses in such suits; and to enable the said corporation to enforce the provisions of this section, power and authority are hereby given to the superintendent, gate-keeper or sexton of the said corporation, for the time being, to arrest, without process, any person or persons, who to their knowledge, may have committed any offense against the provisions of this section, and shall carry such offender or offenders before a justice of the peace for trial or examination.

Application of  
money collected.

Record of business.

§ 12. Said board of trustees shall cause to be kept, in a book for that purpose provided, a full and complete record of all their meetings, proceedings, orders, purchases and sales of property, with the names of the parties thereto; also a complete register of the burials heretofore made, as near as may be, and hereafter to be made in said cemetery, with the names and ages of the dead; which book of record, as well as all other books kept by the board of trustees, or the secretary, shall at all times be open for inspection by the members of the association.

Compensation of  
officers.

§ 13. It shall be the duty of the trustees to have the general management and superintendence of the cemetery, appoint a sexton and other officers, and fix upon their compensation.

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

APPROVED February 18, 1861.



## AN ACT to incorporate the Forreston Cemetery Association.

In force February  
14, 1861.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That John Meyers, Thomas Botdorf, Seton Halsey, David Rhinehart, and Matthew Blair, and their associates and successors, be and they are hereby created a body corporate and politic, by the name and style of "The Forreston Cemetery Association, in the town of Forreston, in the county of Ogle, and state of Illinois;" and by that name and style to have perpetual succession, and all the powers, rights, liabilities and immunities incident to a corporate body.

§ 2. The officers of said association shall be five directors, and such other officers, as by this act may be authorized or created, each of whom shall be the owner of one or more lots in the cemetery of said association. Said directors or a majority of them, in all cases, shall constitute a board for the transaction of all business, and the management of all property of said association, and shall be elected by ballot biennially, on the first Monday in March of every second year, 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.

Directors and of-  
ficers.

§ 3. Said board of directors shall choose, from their own number, a president, a treasurer, (who shall act as secretary,) and shall appoint from the members of said association, a sexton, and such other officers as the interest of said association may require. A bond, with security, may be taken, by said board from said treasurer for the faithful discharge of the duties of his office.

President and  
treasurer.

§ 4. At all elections of said association, two of said directors shall act as judges, and the secretary of the board as clerk thereof; and said clerk shall, within ten days after each election, give to the persons chosen a certificate of their election. When a vacancy shall occur in the board of directors, for any cause, the remaining director or directors shall fill such vacancy by appointment, till the end of the term, from among the members of this association.

Elections.

§ 5. Every person having a title to one or more lots in said cemetery, shall be a member of said association, and entitled to one vote only. Absent members shall have power to vote by proxy, authorized by writing, first filed with the secretary of said board.

§ 6. Said board of directors shall have power to purchase, receive by grant or otherwise, and hold lands, not exceeding twenty acres, for a cemetery, and to lay out the same into lots suitable for the burial of the dead, and also, after setting apart a portion thereof, for a potter's field, to sell and convey the same, by certificate of purchase, signed by the president and attested by the secretary; and the purchasers

Purchase and  
possession of  
lands.



thereof, their heirs and assigns, shall use their said lots for burial purposes only.

Application  
funds.

§ 7. The proceeds arising from the sale of said lots, shall be applied by said directors in making such improvements upon said cemetery as they shall think necessary and appropriate, and for such other purpose, for the interest of said association, as the said directors may deem necessary. And said board of directors shall have power to establish and change by-laws, prescribe rules and regulations for the appointment, term of office, duties and fees of their officers, the government of the association and the general supervision and control of its property. Said board may, for cause, remove any of the officers of its appointment.

Conveyances.

§ 8. All deeds and other writings, made or issued by said association, shall be signed by the president and attested by the secretary.

Records.

§ 9. Said directors shall cause to be kept and preserved in a book or books to be procured by them for the purpose, a full and complete record of all their meetings, orders, purchases and sales of property, with the names of the parties thereto; also, a complete register of the burials in said cemetery; which book of records shall, at all times, be open for the inspection of the members of the said association and under the control of the said board of directors.

Ownership of lots

§ 10. The right of property to any lot or lots in said cemetery shall be vested in the purchaser, by certificate of purchase, signed by the president and attested by the secretary; which certificate shall be recorded by the secretary. Every transfer of such certificate shall be made by surrendering the same to the secretary, who shall issue a new certificate to the assignee and cancel the former. Lots owned by individuals in said cemetery shall not be subject to be sold on execution for debt.

§ 11. All the property and effects of this association shall be exempt from taxation.

Plat.

§ 12. A plat of said cemetery shall be made by some competent surveyor, under the direction of the said board of directors, attested by the said surveyor, and acknowledged by the president of said association, before any officer authorized to take acknowledgments of deeds, and, when so attested and acknowledged, shall be recorded in the recorder's office of the county of Ogle, and state of Illinois; and such recording shall give to the record all the force, effect and virtue that is by law given to records of town plats.

§ 13. This act shall be considered a public act, and shall be construed beneficially for all purposes herein specified or intended. To be in force from and after its passage.

APPROVED February 14, 1861.

AN ACT to incorporate the Graceland Cemetery Company.

In force February  
22, 1861.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That William B. Ogden, Edwin H. Sheldon, Thomas B. Bryan, Sidney Sawyer and George P. A. Healy, 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 Graceland Cemetery Company;" and by that name shall have perpetual succession and be capable of suing and of 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 to do such other things as are incident to a corporation and not inconsistent with the constitution of the state of Illinois.

§ 2. The five persons named shall be the first board of managers of the Graceland Cemetery Company, 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 interest of subscribers in the property held by the company, 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 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 forfeiture of the interests of any subscriber refusing to pay such installments, so demanded, or by the sale by them of such part of his interest as may be necessary to pay such installment. And it shall be lawful for 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 company; 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.

Board of managers and their duties.

§ 3. The said managers of the said company, and their successors, shall have power and authority, in the name of said company, to obtain possession of real estate, by purchase, exchange or otherwise, for cemetery purposes, in the township of Lake View, county of Cook, state of Illinois; to hold the same, to an amount at no time exceeding five hundred (500) acres; to sell, exchange or dispose of any part or parcel of land that they may be compelled to purchase, in

Possession of real estate.

order to obtain such grounds, as may not be actually needed for burial purposes.

Laying out of grounds.

§ 4. The 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 Cook county a plat of such grounds and of such additions thereunto 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, and of any roads or alleys passing through the same; also to erect such buildings, tombs, inclosures or other structures as they may deem advisable; to arrange and dispose of burial lots, on such terms and with such conditions for the permanent care and preservation of the cemetery, or any part thereof, as they may agree upon with purchasers; 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 compensations, 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.

Exemption from taxes.

§ 5. All lots sold for burial purposes, by said cemetery company, when conveyed by the corporation to individual proprietors, shall be indivisible, but may be held and owned in undivided shares; and shall be free from taxation and from execution and attachment: *Provided*, that no one person shall hold, at any one time, more than four lots so exempted; and all estate, real or personal, held by the company, actually used by the corporation for burial purposes, or for the general use of the lot-holders, or subservient to burial uses, and which shall have been platted and recorded as cemetery grounds, shall likewise be exempt, as above.

Interments.

§ 6. Every lot sold by the cemetery company, for burial purposes, shall be held by the proprietor 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.

Donations and grants.

§ 7. The said corporation may take and hold any grant, donation 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 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 cultivation of trees, shrubs, flowers or plants in or around any cemetery lot, or for improving the said premises in any other manner or form, consistent with the design and purposes of this act, according to the terms of such grant, donation or bequest.

Molesting tombs.

§ 8. If any person shall clandestinely open any tomb or grave in the inclosure of the Graceland Cemetery Company,



and shall remove or attempt to remove any body or remains therefrom, such person, upon conviction thereof in any court of competent jurisdiction, shall be sentenced to undergo an imprisonment in the state prison, at hard labor, for a term of not less than six months or more than one year, or pay a fine of not less than one hundred or 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, gravestone or other structure, placed within the inclosure of said cemetery company, or any fence, railing or other work, erected for the protection or ornament of said cemetery, or any tomb, monument or gravestone or other structure, placed therein as aforesaid, or shall willfully destroy, cut, break, injure or remove any tree, shrub, plant, or any part thereof, within the limits of said cemetery, or shall shoot or discharge any gun or other fire-arms, or any fire-works or other missile, capable of doing any injury to any structure or plant, as aforesaid, within the limits of said cemetery aforesaid, shall be deemed guilty of a misdemeanor, and shall, upon conviction thereof, before any justice of the peace, be punished by a fine of not less than five 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 for a term not exceeding one year, or both, at the discretion of the court having jurisdiction thereof, according to the nature and aggravation of the offense. And such offender shall also be liable, in an action of trespass, to be brought against him in any court of competent jurisdiction, in the name of said company, to pay all such damages as shall have been occasioned by his unlawful act or acts; which money, when recovered, shall be applied by the said corporation, under the direction of the board of managers thereof, to the reparation and restoration of the property destroyed or injured as above; and members of the said corporation shall be competent witnesses on such suits. And, to enable the said corporation to enforce the provisions of this section, power and authority are hereby given to the superintendent and gate keeper of the said corporation, for the time being, respectively, to arrest, without process, any person or persons who, to their knowledge, may have committed any offense against the provisions of this section, and shall carry such offender or offenders before a justice of the peace for trial or examination.

Injuring property

Arrest of offenders.

§ 9. No roads or streets or other thoroughfares shall be laid out through any property, selected and held by said cemetery company for burial purposes, without consent of the managers of the company, nor shall any of the lands so selected and held be condemned, for right of way, by any other corporation, for any purpose whatever: *Provided,*

Roads and streets



that this section shall only apply to such lands as shall have been platted and recorded as provided for in section four of this act.

§ 10. The corporation known and designated as "The Graceland Cemetery Company," organized under the management of the same corporators hereinbefore named, under the act to provide for the incorporation of cemetery associations by general law, approved February 14th, 1855, is hereby merged in the corporation of the same name created by this act; and so much of the grounds of said company as have been duly platted and recorded as a cemetery in the records of Cook county, Illinois, together with such lots in said recorded plat as have been sold for purposes of sepulture, shall be embraced within the provisions and entitled to all the benefits of this act, without record.

§ 11. This act shall take effect from and after its passage.  
APPROVED February 22, 1861.

In force February 18, 1861. AN ACT to incorporate the Hutchinson Cemetery Association, in Springfield, Illinois.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the lot owners in the tract or parcel of land, situated and being in the western part of the city of Springfield, in the state of Illinois, known as "The Hutchinson Cemetery," be and they are hereby incorporated, under the name and style of "The Hutchinson Cemetery Association;" and, by that name and style, to have perpetual succession, and all the powers, rights, liabilities and immunities incident to a corporate body.

Corporate name  
and style.

Officers.

§ 2. The officers of said association shall be elected by the lot owners, except as hereinafter provided; and said elective officers shall consist of nine directors, each of whom shall be the owner of one or more lots in the said cemetery; and the said directors, or a majority of them, shall constitute a board for the transaction of all business and the management of all property of said association.

Biennial election  
of directors.

§ 3. The said directors shall be elected by ballot, on the first Monday of April next, and every two years thereafter, and shall hold their offices until their successors shall be elected and qualified; and notice of the election of directors, to be held on the first Monday of April next, shall be given by one or more lot owners, at least ten days before such election, by publishing a notice thereof in one of the newspapers published in the city of Springfield, Ill., specifying the time and place of said election; and the said election

shall, in matters not herein provided for, be conducted in such manner as the lot owners attending the same shall deem proper; and the persons receiving the highest number of votes cast at such election shall be declared duly elected.

§ 4. At all elections, after the election provided for in the third section hereof, two of the said directors of this association shall act as judges and the secretary of said board shall act as chief clerk thereof; and the said clerk shall, within ten days after each election, give the persons elected as directors a certificate of their election. And the said board may, on giving ten days' notice thereof, hold a special election, to fill the vacancy or vacancies occasioned by the death, resignation or removal of any of said directors.

Certificate of  
election.

§ 5. Every person having a title, in fee, to one or more lots or fraction of a lot in said cemetery, shall be a member of said association, and be entitled to one vote only.

§ 6. The said board of directors shall have power to purchase, receive by grant or otherwise, a lot of land, suitable for the residence of a sexton, and erect thereon such buildings as may be required for that purpose.

Sexton's resi-  
dence.

§ 7. The said board of directors shall have power to establish and change by-laws, prescribe rules and regulations for the appointment, term of office, duties and fees of their officers, the government of the association, and the general supervision and control of the said cemetery; and the said board may, for cause, remove any of the officers of its appointment.

Rules and by-  
laws.

§ 8. The said board of directors shall choose from their number a president and treasurer and shall appoint from the members of said association a suitable person for secretary and a sexton, together with such other officers as the interests of said association may require. The said board shall take a bond, with sufficient security, from the treasurer, whereby he shall obligate himself, in all things, to faithfully discharge the duties of his office, and truly and honestly account for all moneys which may come into his hands belonging to said association.

Treasurer's bond.

§ 9. The said association shall have and keep a corporate seal, with such device and inscription thereon as may be ordered by the said board of directors; and all deeds and other writings made or issued by said association shall be signed by the president, attested by the secretary, and sealed with said corporate seal.

Corporate seal.

§ 10. The said board of directors shall have power, at any time, to levy and assess upon the members of this association, to be apportioned among them upon the basis of the number of lots owned by each, a tax sufficient to keep, maintain and preserve said cemetery and its inclosures in good order, repair and condition; and the said board of directors, shall, upon the assessment and levy of said tax, make out a certificate, under the seal of said board, signed

Tax for repairs,  
&c.

by the president and attested by the secretary of said board, showing the amount so assessed upon each member of said association; and the tax so assessed, levied and certified, upon each member of said association, shall, from the date of said certificate, be a lien upon any property belonging to the person upon whom the same shall be levied and assessed; and the tax levied and assessed as aforesaid, if not paid within ten days after demand thereof, may be collected by suit, in the name of the board of directors, against the delinquent member, in any court having jurisdiction of the amount.

Record of business.

§ 11. The said board of directors shall cause to be kept and preserved, in a book or books provided by them for that purpose, a full and complete record of all their meetings, proceedings, orders, purchases and sales of property, with the names of the parties thereto; also a complete register of the burials made in said cemetery, after the organization of said board, together with the names and ages of the deceased; which book or books of record, as well as all other books kept by the board of directors or their secretary, shall, at all times, be open to the inspection of the members of said association.

Conveyances.

§ 12. In case any member of said association shall sell and convey any lot or lots or fraction of a lot or lots in said cemetery it shall be his or her duty, immediately upon making such conveyance, to file with the secretary of said board of directors a written abstract of such conveyance, showing the names of the parties thereto, the number or description of the lot or lots conveyed, and the date of the conveyance; which abstract shall be signed by the grantor and recorded by the secretary of said board in a book to be kept by him for that purpose.

Exemption from taxes.

§ 13. All the property and effects of said association shall be exempt from taxation, excepting as is herein provided; and the lots owned by individuals in said cemetery shall not be subject to sale under execution or other legal process, for debt.

Deed to the corporation.

§ 14. At any time, after the organization of said board of directors, it shall be lawful for said board to receive and accept from John Hutchinson, the former proprietor of said cemetery and addition thereto, and his wife, a deed, conveying to said association all their right, title and interest in and to said cemetery grounds, excepting their right to lots or fractions of lots yet unsold by them; and upon such conveyance being made the said board of directors shall release and discharge the said Hutchinson from all obligation or duty to take care of or superintend said cemetery; and, thereafter, the said association shall have the exclusive control and jurisdiction over said cemetery grounds, and the same shall be dedicated to and used for burial purposes only.

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

APPROVED February 18, 1861.



AN ACT to legalize the further use of Harrison's Cemetery.

In force February  
22, 1861.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the burial place known as "Harrison's Cemetery," adjoining the city of Belleville, in the county of St. Clair, be and the same is hereby exempted from all and every ordinance made or to be made by the city of Belleville, which shall, in any way, hinder or prevent the further use of said ground as a burial place for the dead, and that the lot owners in the same be and they are hereby authorized to continue to use the same as a burial place for the dead: *Provided*, that the city authorities, by ordinance, may require that any interment or interments, hereafter made in said ground, shall be made at a depth below the surface, not exceeding six feet, to be fixed by city ordinance. But the said city authorities nor the county of St. Clair shall not, at any time, have the right or power to convert any part of the said ground for any street, road, alley or passway, nor for any public use or purpose.

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

APPROVED February 22, 1861.

AN ACT to enable the Trustees of the First Baptist Society of Bloomingdale, DuPage county, to convey real estate. In force February 18, 1861.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That Geo. Wallis, Capt. E. Kinne and Daniel F. Deibert, trustees of the First Baptist Society of Bloomingdale, DuPage county, are hereby authorized to convey, by warrantee deed, to the Bloomingdale Academy Association, or to the individuals who own the stock in said academy, lot twenty-six, (26,) in block three, (3,) in the town of Bloomingdale; which said deed, when so executed and recorded, shall invest all the title of said society in said lot in the persons to whom the same is deeded.

§ 2. The said Geo. Wallis, Capt. E. Kinne and Daniel F. Deibert, trustees, as aforesaid, are hereby authorized to convey, by warrantee deed, all the real estate, consisting of the parsonage and meeting house lots, owned by said First Baptist Society, in Bloomingdale, to the persons who subscribed to pay for and build the buildings on said property, the deed to be made to each subscriber of such portion of said property as his subscription bears to the total original cost of said property; which deeds, when so executed and

Conveyance of  
the real estate.



recorded, shall invest in said subscribers as perfect a title as is now held by said trustees.

§ 3. Said property shall not be subject to taxation, for any purpose, so long as it shall be used for the purposes of said Baptist society.

APPROVED February 13, 1861.

In force February 20, 1861.

AN ACT to amend an act entitled, "An act authorizing certain persons holding property in trust for the use of the Catholic church and societies thereof, in the state of Illinois, to convey the same," approved February 24th, 1845; also, to incorporate the Catholic Bishop of Chicago, and to confirm conveyances, made since the 24th February, 1845, heretofore, by the Catholic Bishop of Chicago.

Corporate name and powers.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the present Catholic Bishop of Chicago, and his successors in office, be and are hereby created a body politic, and a corporation sole, under the name and style of "The Catholic Bishop of Chicago;" and by that name said bishop, and his successors in office, shall be known, and shall, hereafter, have succession; and shall sue and be sued, plead and be impleaded, defend and be defended, in all courts and places whatsoever. "The Catholic Bishop of Chicago" shall have a seal of office and may change and alter the same at pleasure; and may acquire, hold and convey property, real, personal and mixed, of any kind and nature whatsoever; and shall have power to borrow money, and mortgage and incumber said property, so to be held, as aforesaid, or any portion thereof, as security for the money borrowed under the authority of this act.

Record of appointment.

§ 2. The Catholic Bishop of Chicago, for the time being, and any lawfully appointed administrator, filling the office of the Catholic Bishop of Chicago, shall, within six months after his appointment to the said office of Catholic Bishop of Chicago, or administrator, as aforesaid, file for record in the recorder's office of the county of Cook, in the state of Illinois, a statement of the fact, manner and time of such appointment, under his hand and said corporate seal, and verified by his affidavit subscribed thereto; which affidavit shall be sworn before any judge of any court of record in said county of Cook. And the present Catholic Bishop of Chicago shall comply with the last mentioned enactment within three months after this act becomes law.

Title to property.

§ 3. *And be it further enacted,* That the title to all the property, real, personal or mixed, intended to be vested in the Catholic Bishop of Chicago, and his successors, by said act to which this act is in part an amendment, is hereby

vested in and confirmed to the "Catholic Bishop of Chicago," and his successors, absolutely, subject however to the gifts, grants, conveyances, deeds of trust, mortgages or other lawful assurance, heretofore made by the said Right Reverend William Quarter, or his said successors.

§ 4. *And be it further enacted*, That all gifts, grants, deeds and conveyances, and also all devises and bequests, heretofore made to any individual holding the office of Catholic Bishop of Chicago, or administrator of the diocese of Chicago, in which the addition of "Bishop of Chicago," or "Catholic Bishop of Chicago," or "Roman Catholic Bishop of Chicago," or "Administrator of the Diocese of Chicago," may have been made to the name of the grantee, shall be construed as conveying, giving, granting, devising or bequeathing the property in such instruments mentioned to such individual, as "Catholic Bishop of Chicago," and that the titles thereby passing, respectively, shall be and the same are hereby vested in the corporation created by this act; and that all gifts, grants, deeds, conveyances, and contracts, deeds of trust, mortgages, and other incumbrances, heretofore made by any individual holding the office of Catholic Bishop of Chicago, or administrator of the diocese of Chicago, to which the name of such individual or the christian name of such individual, shall be signed, with the addition of "Bishop of Chicago," or "Catholic Bishop of Chicago," or "Roman Catholic Bishop of Chicago," or "Administrator of the Diocese of Chicago," shall be held and construed as having been made and granted by such individual, as "Catholic Bishop of Chicago," and are hereby confirmed; and all rights, claims and liabilities inuring to and chargeable against such individual, as aforesaid, under any of the assurances aforesaid, shall inure to and be chargeable against the corporation created by this act.

Conveyances  
heretofore made

§ 5. This act shall be a public act, and shall be in force from and after the passage of it; and all laws and parts of laws, in conflict with this act, are hereby repealed; and the legislature hereby reserves the right to amend or repeal this act without divesting any right to property acquired under it at the time of such amendment or repeal.

§ 6. The general assembly of this state shall have full power and authority to provide, by law, any limitation as to amount of property, real or personal, capable of being held by the corporation hereby created.

APPROVED February 20, 1861.

In force February  
13, 1861.

AN ACT to incorporate the Illinois Eldership of the Church of God.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That I. M. Klein, Charles Cain, Jacob Bear, Ephraim Bear, and J. H. Hurley, and their successors in office, elected by the said eldership, at its regular annual session, to fill the office of speaker, treasurer and clerk. The above named board shall be and they are hereby made and constituted a body politic and corporate, in law and in fact, to have perpetual succession, by and under the name, style and title of "The Board of Trustees of the Illinois Eldership of the Churches of God;" and, by the name, style and title aforesaid, shall be capable in law to sue and be sued, plead and be impleaded, in any court or before any judge or justice of the peace, in any and all manner of suits, complaints, pleas and demands, of whatsoever name or nature, and all and every matter and thing to do in as full and effectual a manner as any other person or persons, body politic or corporate, within this commonwealth, may or can do.*

Corporate name  
and powers.

§ 2. That the said corporation, and their successors, shall be and are hereby authorized and empowered to make, ordain and establish such by-laws and ordinances as shall be necessary and proper for the regulation of the temporal and financial concerns of the said eldership and for the promotion of religion: *Provided*, that nothing shall be done, in pursuance of the powers and privileges herein granted, repugnant to this act, to the constitution and laws of this commonwealth, or to the usages, principles and doctrines of the Church of God.

By-laws and ordi-  
nances.

§ 3. That the business of the said corporation shall be managed and conducted by the said corporation, at the time and during the annual session of the said eldership, or at any extra session thereof, or at any special meeting of the board of trustees, when called together by the president; and any two members of the board, three-fifths of the members of the board present, shall constitute a quorum.

§ 4. That the said corporation and their successors shall have full power and authority to make, have and to use one common seal, with such devices and inscription as they may think proper, and to break, renew and alter the same.

§ 5. That the said corporation, or their successors, by the name, style and title aforesaid, shall be able and capable, in law and equity, to take and to hold to themselves and their successors, for the use and objects set forth as aforesaid, lands, tenements, goods and chattels, of whatever kind, nature and quality, real, personal and mixed, which now is or may or shall hereafter become the property of said eldership: *Provided*, that the yearly value or income of said estate shall not exceed twenty thousand dollars at any one time, and shall not be appropriated to any other than finan-

Seal.

Property of the  
corporation.



cial and religious purposes of the said eldership, as before named, or for any similar objects of the General Eldership of the Church of God.

§ 6. That no misnomer of the said corporation shall defeat or annul any gift, grant or devise or bequest, to or from the said corporation: *Provided*, that the intent of the party or parties shall sufficiently appear upon the face of the grant, will or other writing, whereby an estate or interest is intended to pass to or from the said corporation.

APPROVED February 13, 1861.

AN ACT to incorporate the General Convention of the New Jerusalem in the United States of America. In force January 29, 1861.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That Rev. Thomas Worcester, D. D., of Boston, Mass., Rev. J. R. Hibbard, of Chicago, Ill., Rev. T. B. Hayward, of Brookline, Mass., Robert L. Smith, Esq., of Jamaica, L. I., N. Y., J. Young Scammon, Esq., of Chicago, and I. S. Britton, Esq., of Springfield, Ill., Hon. Jno. B. Niles, of La Porte, Ia., Dr. Charles Shepherd, of Grand Rapids, Michigan, Rev. Chauncey, Giles, of Cincinnati, O., David Snyder, Esq., of Philadelphia, Penn., N. F. Cabell, Esq., of Warminster, Va., Hon. Jno. H. Wilkins and Sampson Reed, of Boston, Mass., Oliver Gerish, of Portland, and Henry B. Hoskins, of Gardener, Me., their associates and successors, be and they are hereby constituted a body corporate, under the name of "The General Convention of the New Jerusalem in the United States of America;" under which name they shall have perpetual succession, with power to receive, take by gift, purchase, devise or otherwise, property and estate, real, personal or mixed, for educational or religious purposes, and to hold, lease and sell or convey the same at pleasure.

Corporate name and powers.

§ 2. The business affairs of said convention shall be managed and controlled by its executive committee, (or general council,) subject to the direction of the convention, when in session. Said committee (or council) shall be chosen or appointed, from time to time, in such manner as the constitution of such convention may direct, and shall be governed by the constitution of said convention, and act in conformity to its votes. Said committee (or council) may create such offices and appoint such officers as they may see fit, and remove the same at pleasure; and may manage its business affairs in such manner as a majority of said com-

Appointment of officers.



mittee (or council) may determine, subject to the control of the convention.

General Powers.

§ 3. Said convention may sue and be sued, plead and be impleaded, prosecute and defend, in all courts and places, in its corporate name, by attorney or otherwise. All deeds, conveyances or leases of the property, held by said convention, for the purpose of leasing or conveying such property, shall be made under the hands of the president and recording secretary, and under such seal as said executive committee (or general council) may adopt; but all such deeds must be approved by a majority of said committee (or council).

Gifts and grants.

§ 4. All gifts, devises or bequests made to said convention shall be used for educational or religious purposes; or the proceeds thereof, if sold or disposed of, shall be so applied.

§ 5. Nothing in this act contained shall be so construed as to interfere with the right of said convention to alter, amend or abolish its constitution, or to form a new one, whenever it shall see fit so to do.

APPROVED January 29, 1861.

In force February 21, 1861.

AN ACT amendatory of an act entitled "An act to authorize the Protestant Episcopal Church in the State of Illinois, to raise a fund for the support of a Bishop and to aid superannuated ministers and the widows and children of deceased ministers," approved February 10, 1849.

Application of the funds and proper.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That an act entitled "An act to authorize the Protestant Episcopal Church in the State of Illinois to raise a fund for the support of a bishop and to aid superannuated ministers and the widows and children of deceased ministers," approved February 10, 1849, be and the same is hereby amended, so that from and after the words "*Provided, however,*" inclusive, in sec. 1 of the same, it shall read as follows, viz: "*Provided, however,* that the property of said corporation and the funds thereof shall never be applied to any other purpose than the support of a bishop of said church within said diocese or aiding superannuated ministers in the same and the widows and children of such as are deceased, or for the establishment, erection, support, aid or maintenance of any hospital, almshouse, seminary, church, parsonage or burial ground, or for the furtherance and promotion of these and other charitable, religious, literary or eleemosynary purposes connected with the said Protestant Episcopal Church in the said diocese of Illinois"—the intention of this act being to authorize the trustees contemplated in said original act and in this

act amendatory thereof, and their successors in office, to take and receive the title to and control of and to dispose of property, personal, real or mixed, for any and all purposes hereinbefore contemplated; to hold said property, for specific purposes, of the kind hereinbefore named, or for general purposes of the same kind, dependent upon the nature and terms of the grant, devise or transfer by which the said trustees acquired the title to said property—they being the legal recipients, hereunder, of all titles to property, real, personal and mixed, granted, devised or transferred to the diocese of the Protestant Episcopal Church in Illinois, or to the Protestant Episcopal Church in the diocese of Illinois, for any of the purposes herein named, or to any parish institution or town in said diocese, for the purposes herein contemplated, when there may not be persons or trustees in whom such title would legally vest, under such grant, devise or transfer.

Disposal of property by trustees.

§ 2. That said original act, approved February 10, A. D. 1859, be and the same is hereby further amended, by striking out the words "and qualified," in section 2, of the same; and that said original act, approved February 10, A. D. 1849, be and the same is hereby further amended, by adding to said section 2 thereof, the following: "*Provided, however,* that in case said annual convention shall, at any time, fail so to appoint trustees, as hereinbefore contemplated, or for any reason successors to the acting trustees shall not be appointed, such acting and duly appointed board of trustees shall continue in office till the appointment of their successors."

Failure to appoint trustees.

§ 3. That said original act, approved February 10, A. D. 1849, be and the same is hereby further amended, so that from and after the word "*Provided,*" inclusive, in section 3, of the same, it shall read as follows, viz: "*Provided,* that the value of the property held by said corporation, for the support of a bishop of said church, within said diocese, or aiding superannuated ministers in the same, and the widows and children of such as are deceased, shall not exceed, at any one time, the sum of two hundred thousand dollars: *And provided, further,* that the value of the property, real or personal, held by said corporation, for the establishment, erection, support, aid or maintenance of any hospital, almshouse, seminary, church, parsonage or burial ground, or for the furtherance and promotion of these and other charitable, religious, literary or eleemosynary purposes, connected with the said Protestant Episcopal Church in said diocese of Illinois, shall not exceed, at any one time, the sum of five hundred thousand dollars."

Amount of property to be held.

§ 4. That the said act, approved February 10, 1849, of which this act is an amendment, be and the same is hereby, as herein amended, declared, in all respects, operative and valid, and that all acts inconsistent therewith, relative to the holding and conveying of any property, real or personal,

by any person or persons, in trust for the use of the Protestant Episcopal Church in the State of Illinois, except as provided in this act and the act to which this is amendatory, be and the same is hereby repealed.

Conveyance previously made.

§ 5. That an act entitled "An act authorizing certain persons holding property in trust for the use of the Protestant Episcopal Church in the State of Illinois to convey the same," approved January 24, 1853, be and the same is hereby repealed, and that the legal title and estate in and to any and all lands, tenements, goods, chattels, effects, moneys, choses in action or other property, within this state, which may have been given, devised or granted, or in any manner transferred or conveyed, by any person or persons whatsoever, since the passage and approval of the said last mentioned act, approved January 24, 1853, or under and in accordance with its provisions, unto any person by the name, style or title of "Bishop of the Protestant Episcopal Church in the State or Diocese of Illinois," or "Bishop of Illinois and his successors," or any other person, upon the trust, expressed or implied, to take, hold and receive the same, for the use and benefit of any religious congregation of Protestant Episcopalians, or for any of the other purposes mentioned in said act referred to in this section, be and the same is hereby absolutely and forever divested from such person so having taken and received and so holding the same, and vested in and transferred and confirmed to Samuel Chase, Charles P. Clarke, Henry S. Austin, Richard F. Seabury, and Matthew Griswold, trustees of the Protestant Episcopal Church, in the diocese of Illinois, appointed at the last annual convention of the said Protestant Episcopal Church in the diocese of Illinois, and their successors in office, and in no other person or persons whatsoever, for the uses, trusts and purposes provided in said original act, approved February 10, 1849, and in this act amendatory thereof.

Report of trustees

§ 6. That the said trustees of the Protestant Episcopal Church in the diocese of Illinois, and also any other person or persons who may have heretofore taken, received, held or conveyed any property, real or personal, of any character whatsoever, in trust, expressed or implied, for the benefits, uses and purposes, literary, religious, charitable, eleemosynary or otherwise, specified in and under the provisions of the act approved February 10, 1849, to which this is amendatory, or under the provisions of the act approved January 24, 1853, whilst the same was in force, and which is hereby repealed, shall, at the next annual convention of the said Protestant Episcopal Church in the state or diocese of Illinois, held after the passage of this act, prepare, exhibit and submit to said convention a detailed statement, in writing, of any and all property, real and personal, of every character, by him or them taken, received, held or conveyed as such trustee or trustees, as aforesaid, under the provisions



of either of the acts in this section referred to, together with a full and explicit detailed statement of all moneys by him or them received as such trustee or trustees, and of the disposition of any and all avails and proceeds of the sale or sales of any such property, by him or them made, as such trustee or trustees, under said trusts, and of all his or their doings and transactions, under and in connection with the said trusts. And that at every annual convention of said church, thereafter, the said trustees of the Protestant Episcopal Church in the diocese of Illinois, shall exhibit and submit to such convention a similar and detailed statement, in writing, as provided by this section.

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

APPROVED February 21, 1861.

AN ACT to incorporate the German Evangelical Salem's Church, of Quincy, Illinois. In force February 22, 1861.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That Frank Kellenbrink, Frederick Weneker, Martin Erdman, Jacob Lock, William Winkelman and Herman Merten, and their associates and successors in office, as members of the German Evangelical Salem's Church of Quincy, Illinois, be and they are hereby created a body politic and corporate, by the name and style of "The German Evangelical Salem's Church of Quincy, Illinois," with power to sue and be sued, plead and be impleaded, in all courts of law and equity in this state, and also to acquire, by gift, devise or purchase, property, both real, personal and mixed, and to hold and convey the same; the real estate which may be acquired and held in the manner aforesaid, however, shall not at any one time exceed ten acres of land. Said incorporation shall have the right to erect or build on the real estate so acquired and held by them, such houses or buildings as may be deemed necessary, by a majority of the voting members thereof, for religious and educational purposes.

Corporate name  
and powers.

§ 2. The object of this incorporation is, to promote education and edification and advancement in piety and knowledge of the word of God, according to the custom of the Evangelical Church. Said incorporation may have, use and change at pleasure, a common seal; and may make and ordain, for their government, such constitution and by-laws as they may deem necessary: *Provided*, that such constitution and by-laws be not inconsistent with the constitution and laws of the state of Illinois, and of the United States.

Objects of the  
corporation.

§ 3. All members of "The German Evangelical Salem's

Church of Quincy, Illinois," or such as may hereafter become members thereof, in pursuance of the constitution and by-laws of the same, shall be and are hereby created members of this incorporation.

Board of trustees

§ 4. The said Frank Kellenbrink, Frederick Weneker, Martin Erdman, Jacob Lock, William Winkelman and Herman Merten, and their successors in office, shall be and are hereby created a board of trustees of said incorporation. The said Frank Kellenbrink and Frederick Weneker to hold their said office until the first day of January, A.D. 1862; the said Martin Erdman and Jacob Lock to hold their said offices until the first day of January, A.D. 1863; and the said William Winkelman and Herman Merten to hold their said office until the first day of January, A.D. 1864, and until their respective successors are duly elected, or their term of office be sooner terminated under the provisions of this act.

Annual meeting.

§ 5. The members of this incorporation shall, on the first day of January, A.D. 1862, and also on the first day of January in each and every year thereafter, unless the same shall come on Sunday—in which case such meeting shall be held on the following Monday—shall hold a general meeting, for the purpose of electing trustees to fill the place of those whose term of office shall on such day expire, and to fill such vacancies as may be occasioned by death, resignation, removal or otherwise, as hereinafter mentioned, and for the transaction of such other business as may be deemed necessary. Such meeting to be held in the church edifice of said incorporation—at which time the voting members of said incorporation shall elect two of their number trustees, to fill the place of those whose term of office shall expire at the time of holding such election; and shall, also, at such meeting, fill all such vacancies as may then exist in such board of trustees. And in case any trustee, aforesaid, shall cease to be a member of said incorporation, or shall remove from the county of Adams, and state of Illinois, he shall, upon the happening of such contingency, thereby be deemed to have vacated his said office, and thereupon the remaining trustees shall have full power to act, in all cases whatsoever, the same as if no vacancy had occurred.

Constitution and by-laws.

§ 6. The constitution and by-laws of "The German Evangelical Salem's Church of Quincy, Illinois," shall be and are hereby created and declared to be the constitution and by-laws of this incorporation, and the same may be altered, amended and changed in such manner as may hereafter be deemed necessary by a majority of the voting members of the same; and the rights, duties and prerogatives of the several members of said incorporation, as also their qualifications, whether ministers or pastors, elders or deacons, superintendents or teachers, council trustees or other officers or members, shall be and remain as the same

now are or hereafter may be prescribed by their said constitution and by-laws; and a majority of the voting members of the said corporation shall have the right to expel, suspend or excommunicate any member or members thereof, for such cause and in such manner as may be prescribed by the constitution and by-laws of the same.

§ 7. That lot number eleven, (11,) and a strip of land thirty-five (35) feet in width, off of the west side of lot numbered twelve, (12,) in block number sixty-six, (66,) in John Wood's addition to the city of Quincy, situate in the county of Adams, and state of Illinois, and also all the other property, whether real, personal or mixed, owned by "the German Evangelical Salem's Church of Quincy, Illinois," or the trustees thereof, for the use of said church, as well as all property, real, personal or mixed, which may hereafter be acquired by said corporation, shall be and the same hereby is vested in said board of trustees, and their successors in office, to be held by them in trust, and for the use of said incorporation; and the trustees thereof, for the time being, shall have the right and power to sell and convey any and all property so held by them, in such manner and for such purposes as may be prescribed by a majority of the voting members of the same, at any meeting, to be called and held by them for such purpose; and no misnomer of said incorporation shall defeat or annul any gift, grant, bequest or devise to or for the same.

Property of the corporation.

§ 8. That this act shall be and the same is hereby declared to be a public act, and to be in force from and after its passage.

APPROVED February 22, 1861.

AN ACT to incorporate the Hebrew Congregation K. K. Bnai Avrohum" of the City of Quincy, county of Adams, in the State of Illinois. In force February 20, 1861.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That Edward Jonas, president; Solomon J. Lesem, treasurer; Isaac Schwemmer, warden; Moses Jacobs, secretary; Moses Bachrach, Manheim Jackson, Martin Joseph, their associates and successors, be and they are hereby declared and constituted a body corporate and politic, by the name and style of "The Hebrew Congregation K. K. Bnai Avrohum, of Quincy, Illinois," and by that name and style shall have perpetual succession, with power to sue and be sued, plead and be impleaded; to acquire, hold and convey property, real, personal and mixed, in all lawful ways; to have and to use a common seal, and alter the same at pleasure; to make,

Corporate name and powers.



alter and amend such constitution and by-laws, not inconsistent with the constitution of the United States and of this state of Illinois, as they may deem necessary and proper for the government of said congregation, its officers, agents and servants: *Provided*, that such constitution and by-laws shall not be contrary and inconsistent with the fundamental principles of the Hebrew faith.

Officers annually  
elected.

§ 2. The officers of said congregation shall consist of the president, treasurer, warden, secretary and three trustees, who shall be elected, annually, at such time and place and manner as shall be designated by the constitution or by-laws of said congregation; and when elected shall constitute a board of trustees, and shall act as such until their successors are elected and installed; and the officers and trustees now in office shall continue to act as such until their successors are duly elected and installed. And all property, real, personal and mixed, now owned and possessed by said congregation, shall be vested in said trustees and their successors in office, for the use and benefit of said congregation, forever. And the trustees, for the time being, shall have power, under the direction of said congregation, to execute deeds and conveyances of and concerning the estate and property herein authorized to be held by such congregation; and such deeds or conveyances shall have the same effect as like deeds or conveyances 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 congregation; but all grants, donations and bequests shall be appropriated and used as directed by the person or persons making the same: *Provided*, it be not in a manner contrary to the principles of the Hebrew faith. And the constitution and by-laws, now in force and heretofore adopted by said congregation, shall be and continue in full force and effect until annulled, changed or amended, in the manner provided therein: *Provided*, that the same are not inconsistent with the constitution of the United States, and of this state of Illinois, and with this act of incorporation: *And, provided*, that nothing herein contained shall prevent the said congregation from changing the style of the officers of said congregation or adding to or diminishing their numbers, if deemed advisable so to do.

Gifts and grants.

APPROVED February 20, 1861.

AN ACT to authorize Schuyler Presbytery to convey certain lands in McDonough County. In force February 21, 1861.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the Presbytery of Schuyler of the Old School Presbyterian Church of the state are hereby authorized and empowered to transfer and convey the property of McDonough College, or any portion thereof, to McComb Lodge, No. 17, A. F. & A. Masons of McComb, in this state or to any person, in trust for said lodge, who may be designated by said lodge; and for that purpose the said presbytery may designate and appoint some person to make, execute and deliver, for and on behalf of said presbytery, all the necessary deeds of conveyance, releases, acquittances or other writings. And all deeds of conveyance, releases, acquittances or other writings, which shall hereafter be made by any person, so appointed for the purpose aforesaid, shall be valid and binding in law and equity.

APPROVED February 21, 1861.

AN ACT to amend an act entitled "An act to incorporate the City of Aurora, and to establish an Inferior Court therein," approved February 11, 1857. In force February 11, 1861.

#### CHAPTER 1st.

##### MISCELLANEOUS PROVISIONS.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the marshal of said city shall have such powers and perform such duties as shall be prescribed by the common council for the preservation of the public peace, the collection of license money and 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 bonds as such constable, to be approved by the common council as in other cases.

Powers and duties  
of the marshal.

§ 2. The common council shall have power to authorize the mayor or other proper officer of the city to grant and issue license and determine the fees to be paid therefor. No license shall be granted for more than one year; and not more than five hundred dollars shall be required to be paid under the act to which this is an amendment. A bond may be required to be taken, on the granting of licenses, for the observance of the ordinances or regulations of the common council, in the discretion of the mayor or common council.

Licenses.

Commitments to  
the bridewell.

§ 3. The common council shall have power to provide and require all persons committed to the bridewell or house of correction, on any final judgment, to work out such judgment and the costs of suit in the bridewell, or anywhere in the city, at the rate of fifty cents per day, in such manner as may be prescribed by ordinance.

Larceny.

§ 4. The common council shall have power to prohibit larceny, where the same is not punishable in the penitentiary.

Appeals.

§ 5. That all judgments rendered in favor of the city, for the violation or violations of any ordinance thereof, may be appealed from to the court of common pleas of the city of Aurora, and not elsewhere; and no change of venue shall be allowed from said court, on such appeals, unless the presiding judge shall believe that public and private justice shall require it.

Firemen's privileges.

§ 6. Every fireman, who shall have faithfully served as such in said city for the term of seven years, shall be exempt from serving on juries in all courts in this state or in the militia, except in case of war, invasions or insurrection; and the evidence to entitle such person to such exemption shall be a diploma, under the corporate seal, signed by the mayor and clerk.

Cleaning of sidewalks.

§ 7. The common council shall have power to compel all persons to keep the snow, ice, dirt, and all other obstructions from the sidewalks in front of the premises owned or occupied by them.

Elections.

§ 8. The common council shall have power, whenever an election is to be held in said city for an officer or officers, to be voted for by the whole city, and when no ward officers are to be elected, to appoint the same to be held at one place in said city, and to appoint three inspectors of such election.

§ 9. It shall be lawful to draw as many orders upon the city treasury, for an amount found due at one time, to any person or persons, as the common council may direct; also, in cases where the same is payable out of different funds, to draw separate orders for the amount due against such fund.

Publication of ordinances.

§ 10. Proof of the publication of the ordinances, by-laws, notices and other matters of said city, by the affidavit of a printer or publisher of the corporation newspaper, taken before any person 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 and other matters published by authority of said city, in all courts and places; and such ordinances, by-laws, rules and regulations, when printed and published by authority of the common council, in book or pamphlet form, shall be received in all courts and places, without further proof.



§ 11. The common council shall have power to provide for lighting the streets and erecting lamp posts and lamps therein and regulate the lighting thereof, and, from time to time, to 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; also, to lease to any person or persons, company or corporation, the right to make, vend and sell gas, and to light said city, its streets, buildings and other places, and the privileges necessary to carrying into effect such lease. Lighting of the city.

§ 12. The common council, by ordinance, may require every male resident of the city, over the age of twenty-one years, to labor, not exceeding three days in each year, upon the streets and alleys 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, such sum as shall be required by ordinance for each day he shall be so assessed to labor; and such labor and payment shall be in lieu of all labor required to be performed upon any road, street or alley, by any law of this state. Street labor.

§ 13. The common council shall have power to appoint two or more street commissioners for the city and prescribe their powers and duties, also, to remove the same at pleasure.

§ 14. The common council shall have power, by ordinance, to extend the limits of said city, from time to time, over any tracts of land adjoining said city, which heretofore have been or hereafter shall be laid off into lots and recorded. City limits.

## CHAPTER 2.

### TAXES AND ASSESSMENTS.

§ 1. The common council shall have power to levy and collect taxes upon the real and personal estate within the limits of said city, not exceeding one and one-half per cent. upon the assessed value thereof, to pay the general, contingent and other expenses of said city.

§ 2. 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 and lamps and lighting the streets in such district; and the tax thus collected shall be exclusively expended for such purpose in the district paying the same. Special tax.

§ 3. The common council shall have power, from time to time: *First*—to cause sidewalks to be constructed, laid, relaid and repaired: *Secondly*—to levy and collect a special tax on any lot or parcel of land, in front of which any sidewalk shall be made, relaid or repaired. An action of assumpsit may also be maintained, in the name of the city, Construction of sidewalks.

against the owner or occupant of such premises, for the recovery of such expenses, or of any other assessments for improvements or benefits under this act or the act to which this is an amendment, as for money paid or laid out to his or their use, at his or their request. Such suit may be brought in any court of record or before any magistrate having jurisdiction thereof.

Sewers, etc.

§ 4. The common council shall have power, from time to time: *First*—to cause main drains and sewers, private drains and aqueducts and reservoirs to be constructed and laid, relaid, cleansed and repaired, and to regulate the same: *Second*—to cause the expenses of any improvements mentioned in this section to be assessed upon the real estate deemed benefited thereby, with the costs of proceedings therein, as nearly as may be to the benefit resulting thereto, and provide the manner of assessing and collecting the same: *Provided*, such assessment shall not exceed three per cent. per annum on the property assessed.

Grading of streets

§ 5. The common council shall have power, from time to time: *First*—to cause any street or highway to be graded, leveled, paved, macadamized or planked, and to keep the same in repair: *Second*—to levy and collect a special tax on the lots or parcels of land, on such streets, alley or highway, on or along which any of the improvements in this section mentioned shall be ordered to be made, in proportion to their respective fronts, by any ordinance or ordinances, not repugnant to the constitution of this state.

## CHAPTER 3.

### COLLECTION OF TAXES AND ASSESSMENTS.

Assessment rolls.

§ 1. The common council shall have power, by ordinance, to prescribe the form of assessment rolls 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 rolls, as they may deem proper and expedient.

Return of assessment rolls.

§ 2. The annual assessment rolls shall be returned by the assessor on or before the first Monday in September, of each year; but the time may be extended by the common council. On the return thereof the common council shall fix a day for hearing objections thereto, and the clerk shall give notice, by one publication in the corporation newspaper, of the time and place of such hearing; and any person feeling aggrieved by the assessment of his property may appeal, at the time specified, and make his objections. The common council shall have power to supply omissions in said assessment roll, 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.

§ 3. When the assessment roll shall have been revised and corrected, 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 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 per centage, 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.

§ 4. All taxes and assessments, general or special, levied on or assessed by the common council, under this act or the act to which this is an amendment, 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 roll shall have been confirmed, 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: *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 such real estate, for the period of two years from and after the final disposition of such injunction or other judicial proceeding.

Tax made a lien  
on real estate.

§ 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 or the person or real estate subject thereto. Each column shall be headed with the name of the tax therein set down.

Warrants issued  
by clerk for  
taxes.

§ 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 thereto attached, and shall contain true and perfect copies of the correct assessment rolls upon which the same may be respectively issued. They shall be delivered to the collector or collectors of the city, for collection, within six weeks after the filing of the corrected rolls, unless further time shall be given for that purpose by the common 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. The assessor's roll shall, in all cases, be evidence on the part of the corporation: *Provided*, a notice, published by the collector, for two weeks, successively, in the corporation paper, shall be deemed a demand; and a neglect to pay taxes for twenty days thereafter shall be deemed a refusal.



Mode of collection.

§ 7. All taxes and assessments, general or special, shall be collected by the collector or collectors, in the same manner and with the same power and 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 in other cases: *Provided*, the common council shall have power to prescribe the powers, duties and liabilities of collectors, by ordinance.

Sale of real estate for taxes.

§ 8. In case of the non-payment of any taxes or assessments, levied or assessed upon any real estate, 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 common council. Before any such sale an order shall be made by the common council, which shall be entered at large in the records kept by the clerk, directing the collector to sell, particularly describing the 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 warrant, 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 two weeks, successively, 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. The proceedings may be stopped, at any time, on the payment of the taxes or assessments, interest and costs, with expenses of advertising.

§ 10. All sales shall be conducted in the manner required by law; but the common 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 the costs of sale. The city clerk shall keep a record of such sales. Certificates of sale shall be made by the city clerk, which 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 order aforesaid, to sell, may be directed to the city clerk, and delivered to him; in which case he shall proceed to advertise and sell, in the same manner as is required of the collector. The city clerk and collector shall receive such fees as are allowed by law or may be prescribed by ordinance.

§ 11. The right of redemption, in all cases of sales for taxes or assessments, shall exist, to the owner, his heirs or assigns, to the same extent as is allowed by law in the case 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 subsequently 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 be 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 city treasurer, taking his receipt therefor. If not redeemed, according to law, upon return of the certificate or on proof of its loss and proper affidavits of proper notices to owner and occupant, as required by law, a deed may be executed to the purchaser, under the corporate seal, signed by the mayor or presiding officer of the common council and countersigned by the clerk, conveying to such purchaser or his assignee 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 every deed so issued.

Right of redemption.

§ 12. The assignee of any tax certificate, as aforesaid, 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.

Tax titles.

§ 13. If at any sale of real or personal estate, for taxes or assessments, no bids to the amount of such tax or assessment 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.

§ 14. All deeds made to purchasers of lots sold for the taxes or assessments, by order of the common council, shall be *prima facie* evidence, in all controversies and suits in relation to the rights of the purchaser, his or her heirs or assigns, to the premises hereby 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 at any time before the sale. *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: *First*—that the land or lot was advertised for sale in the manner and for the length of time required by law. *Second*—that the land or lot was sold for taxes or assessments, as stated in the deed. *Third*—that the grantee in the deed was the purchaser, or his assignee.

Tax titles.

*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 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 land 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 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 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 person under whom he claims title, as aforesaid. All property omitted in former assessments shall, when discovered by the assessor, be assessed, for the time being, and the amount of averages shall be added.

§ 15. The common council shall have the power, by ordinance or resolution, to empower the city collector to complete the collection of any tax or assessment after the termination of the term of office of such collector.

#### CHAPTER IV.

##### ASSESSMENTS FOR OPENING STREETS AND ALLEYS, ETC.

§ 1. Whenever any street, alley, highway, or public ground is laid out, altered, straightened or extended, by said city, in addition to the powers now held by said city, they shall have, possess and enjoy all the powers, rights and privileges bestowed upon the city of Joliet, in sections two to nineteen, inclusive, of chapter six of an act entitled "An act to reduce the law incorporating the city of Joliet and the several acts amendatory thereof into one act, and to amend the same," approved January 31st, 1857; and all the sections of said chapter six, from two to nineteen, inclusive, are hereby incorporated into and made a part of this charter: *Provided*, the appeal specified in section 16 thereof shall be taken to the court of common pleas of the city of Aurora, under this act.

#### CHAPTER V.

§ 1. The common council shall have power to make, publish, ordain, amend or repeal all such ordinances, by-laws and regulations, not repugnant to the constitution of



this state, which they may deem necessary and expedient to carry into effect the powers given in this act, and enforce the observance thereof, in the manner provided in the act to which this is an amendment.

§ 2. That all and every part of the act to which this is an amendment shall be and remain in full force, validity and effect, except those parts which are in conflict or inconsistent herewith; and those are so far modified as to be consistent with this act: *Provided*, that no proceedings had or pending under said act shall be invalidated by the passage of this act, but may be completed under said act or this act.

§ 3. Section three of chapter one of said act is hereby amended, that it shall read as follows: "The city of Aurora shall be divided in eleven wards, as follows: The First ward shall comprise all that part of the city lying north of the center of Spruce street, in the west division. The Second ward shall comprise all that part of the city lying south of the First ward and north of the center of Galena street, in the west division. The Third ward shall comprise all that part of the city lying south of the Second ward and north of the south line of Holbrook's addition, in the west division. The Fourth ward shall comprise all that part of the city lying south of the Third ward, and north of the south line of the city, in the west division. The Fifth ward shall comprise all that part of the city, in the east division, which is included in the following boundaries, to-wit: Commencing at the north line of the city limits at its junction with Fox river; thence, east, on said line to its junction with Mountain street; thence, southwesterly, along the center of said street, to its divergence west; thence, in a direct line to the north end of Second street; thence, along the center of said street, to Liberty street; thence, along the center of said street, to Main street; thence, along the center of Main street, to Claim street; thence, along the center of Claim street, to the west end thereof; thence, in the same direction, to Fox river; thence, northerly, along the channel of Fox river, to the place of beginning. The Sixth ward, all that part of the city, in the east division, lying north of Claim street and east of the Fifth ward. The Seventh ward shall comprise all that part of the city, in the east division, lying between Claim street and Main street, and west of Root street. The Eighth ward shall comprise all that part of the city, in the east division, lying between Claim street and Main street, and east of Root street. The Ninth ward shall comprise all that part of the city, in the east division, lying south of Main street, and north of the south line of Jenks' addition to the city of Aurora, and between Anderson and Jackson streets, on the east, and the west channel of Fox river on the west. The Tenth ward shall comprise all that part of the city, in the east division, lying south of Main street and east of Anderson and Jackson streets. The Eleventh ward

Wards of the city  
and their bound-  
aries.

shall comprise all that part of the city, in the east division, lying between Fox river and Jackson street, and south of ward nine."

Municipal officers

§ 4. Section one of chapter two of the said act is hereby amended, so that it shall read: "That the municipal government of the city shall consist of a common council, composed of the mayor, and one alderman from each ward; each of said aldermen to be a resident of the ward he represents. The other officers of the city shall be the same as provided in said section."

City elections.

§ 5. At the first annual election in said city, which shall take place after the passage of this act, to-wit: on the first Tuesday of March next, there shall be elected, by the qualified voters of the said wards of said city, one alderman in and for each of the wards above described and provided for in this act, to hold their offices for two years respectively, with the exception of wards two, four, six and nine; which said last mentioned wards, shall be represented in the common council of said city, until the annual election of said city, in the year 1862, by the aldermen who now represent in the present common council of said city that part of the city included in said wards, and who have already been elected to serve as aldermen of said city until the annual election of 1862; and, at the annual election of 1862, there shall be elected, in each of the said last mentioned wards, by the qualified voters thereof, respectively, one alderman in and for each of said wards, to hold their offices for two years, respectively.

Aldermen.

§ 6. Section five of chapter two of said act is hereby amended, so that it shall read as follows: "The several wards of the city shall be, respectively, represented in the common council, by one alderman, who shall be a resident of the ward he represents; and each of said aldermen shall hold their offices, respectively, for two years, from and after their election, except the aldermen going out of office at the annual election of 1862, as above provided for, and until the election and qualification of their successors. If, from any cause, there shall not be a quorum of aldermen, the clerk shall appoint the time and places of holding a special election, and appoint inspectors thereof, if necessary. If any alderman removes from the ward represented by him his office shall thereby become vacant."

§ 7. All acts and parts of acts, heretofore passed, which conflict with or are inconsistent with the provisions of this act, are hereby repealed.

Vote upon the  
charter amend-  
ment.

§ 8. Before chapter five of this act shall take effect and be in force, the question shall be submitted to the qualified voters residing within said city of Aurora, at an election, to be held on the last Tuesday of February, A. D. 1861, at the Aurora House, in said city; at which time and place the qualified voters, aforesaid, shall vote with ballots, either

printed or written thereon, "For More Wards," or "Against More Wards;" and if a majority of said ballots shall be "For More Wards" then and in that case said chapter five of this act shall take effect and be in force from and after the recording of said vote by the city clerk. But if a majority of said ballots shall be "Against More Wards" then said chapter five of this act shall not go into effect. Said election shall be conducted, in all respects, as is now provided by law for general elections; and William V. Plum, Isaac M. Howell, and Elias D. Terry, be and they are hereby appointed inspectors of said election; and in case either of the said inspectors named neglect or refuse to act in such capacity then and in that case a majority of the above named inspectors may and shall act as judges of said election. The city clerk of said city shall give three days' previous public notice of said election, by putting up written or printed notices in five public places in said city.

§ 9. The result of said election and vote, "For More Wards," or "Against More Wards," being ascertained in the usual manner, and properly attested by the inspectors of said election, shall be returned to the city clerk of said city, within twenty-four hours after the closing of the polls of said election; and it shall be the duty of said city clerk, upon receiving said returns, to forthwith spread said returns on the books of records of said city; and if a majority of the votes cast at said election shall be "For More Wards" the city clerk of said city shall give notice, in the manner now required in city elections, of the time and place of the election to be holden on the first Tuesday of March, A. D. 1861, to elect seven (7) aldermen, to-wit: one alderman from each of the following wards: wards one, three, five, seven, eight, ten, and eleven, as above in the act provided; and the said city clerk shall fix upon and insert in said notices of said election a place in each of said wards, respectively, where the election of the aldermen to represent each of said respective wards shall be held; and in case the common council of said city shall neglect to appoint inspectors of the elections, to be held as aforesaid in the said several wards, then the qualified voters of each of said wards, respectively, shall, on the day of said election, in each of the said respective wards, choose, *viva voce*, three inspectors of the election, in and for their respective wards, who shall have all the powers and perform all the duties required usually of inspectors of elections in said city.

Election of aldermen in the new wards.

§ 10. The present location of the city hall and court house on Stalp's island, in said city, shall not be removed, but the same shall remain as now located, and shall be finished and completed as fast as the city finances will admit.

§ 11. The common council of said city shall not have authority to vacate, narrow or widen any street or alley,



without a vote of a majority of two-thirds of all the aldermen elected in the city.

§ 12. All acts and parts of acts heretofore passed, which conflict with or are inconsistent with the provisions of this act, are hereby repealed; and all the provisions of this act, not herein required to be submitted to the qualified voters of said city, shall be in force from and after the passage hereof.

APPROVED February 16, 1861.

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In force February 18, 1861. AN ACT to amend "An act to incorporate the City of Alton," and the amendments thereto.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* The annual election for city officers, as provided for by the act to which this is an amendment, shall be held on the first Tuesday in April, in the year of our Lord one thousand eight hundred and sixty-one, and annually thereafter; and the term of office of the present city officers shall at that time expire, or as soon thereafter as their successors shall be elected and qualified.

§ 2. The aldermen, with the qualifications and requirements provided for by the act to which this is an amendment, shall be elected for a term of three years, provided, at their first meeting, or as soon thereafter as the board shall be organized, the aldermen shall be divided, by lot, into three classes, consisting of one alderman from each ward—the first class to serve for the term of one year; the second class, for the term of two years; and the third class, for the term of three years; so that after the first election, to be held on the first Tuesday of April, 1861, one alderman shall be elected from each ward annually.

§ 3. The common council, at their first meeting after their annual charter election, or as soon thereafter as may be, shall appoint, by ballot, a city attorney, and a city marshal, (who shall be, *ex officio*, city jailer,) and one or more deputies, if required, and such other officers, not provided for by the act to which this is an amendment, as may be found necessary for the municipal government of said city, who shall take the usual oath of office, receive such salaries or fees, give such bonds, and be subject to such duties and forfeitures as the common council may, by ordinance, from time to time, prescribe.

§ 4. The common council shall have power, by ordinance, to establish lamp districts, for the purpose of lighting the city, and to assess a special tax upon the real estate subject

to taxation in each district, for the purpose of defraying the expenses of lighting such district; which tax shall be assessed and collected in the same manner and at the same time as the other city taxes are assessed and collected: *Provided*, that only three-fourths of the aggregate cost of lighting each district shall be raised by special tax; the remaining one-fourth being paid out of the general fund: *And provided, further*, that the districts shall not be chargeable with the cost of laying down the gas pipes and erecting lamp posts and lamps.

§ 5. The common council shall have power to levy and collect a tax, not exceeding ten mills on the dollar, on the assessed value of all the real and personal estate and property within the limits of the city subject to taxation, and on all personal property of the inhabitants thereof, made taxable by the laws of the state for state purposes, in lieu of a county tax, to defray the general and contingent expenses of the city, not otherwise provided for by the charter or the amendments thereto. Tax for contingent expenses.

§ 6. The common council shall have power, annually, to levy and collect a tax, as other taxes are collected, of not more than ten mills on the dollar, on all real and personal property in said city, subject to taxation, to pay the interest accruing on the bonded debt of said city; and to pay the principal of bonds falling due within the year next ensuing: *Provided*, the common council shall, annually, after the assessment for the current year, determine, by resolution or ordinance, what amount is necessary to pay such principal and interest, and shall only levy such per cent. as may be necessary to raise the required sum, not exceeding the per cent. authorized by this section. Interest on city debt.

§ 7. The common council shall have power, annually, to levy and collect a tax of not more than one and a half mills on the dollar, on all the real and personal estate in said city, subject to taxation, for the purpose of purchasing grounds for school houses, and for building, furnishing, and repairing the same; also, annually, to levy and collect a tax of not exceeding one mill and a half on the dollar, on all real and personal estate in the said city subject to taxation, to be expended in paying teachers and in purchasing books and apparatus for the city schools. School tax.

§ 8. That, upon the application of the owners of one-half or more than one-half of the front of the lots on any street or part of a street or alley, in said city of Alton, it shall be lawful for the common council to levy and collect a special tax on the owners of the lots on said street or part of a street or alley, according to their respective fronts, for the purpose of paving or macadamizing or repaving or remacadamizing or repairing said street or part of a street or alley; said tax to be levied and collected in such manner as the common council shall provide by ordinance: *Provided*, that all streets, so to Paving and repairing of streets

be improved, shall be first brought to grade by the city from the general fund: *And provided, further*, that if the owners of lots on one side of the street, only, shall so petition, then the common council shall order the improvement provided for by this section to be made to the center of the street or part of a street: *And provided, further*, that not more than three per cent. for such improvement shall be assessed in any one year: *And provided, further*, that the owners of lots fronting on said street or part of a street or alley, so to be improved, shall have the power of doing the work so ordered to be done, at his or her own cost and charges, under the direction of the common council, and thereby exempt his property from taxation for making such improvement: *Provided, further*, nothing in this amendment shall be so construed as to affect contracts for the improvement of any street or part of a street, or owner of property fronting on such improvement, where such contract has been made prior to 1861.

Issue of bonds.

§ 9. The common council, for general purposes of public improvement and the good of the city, may issue bonds for borrowing money, in any sum not exceeding, in the aggregate, including all indebtedness at the time, three hundred thousand dollars.

Redemption.

§ 10. Under all sales of real estate, made in pursuance of this act, the owner or owners of the same shall have the same right of redemption as is allowed in tax sales under the act to which this is an amendment.

Railroad tracks.

§ 11. The city of Alton may take, hold, receive, and purchase, lease and convey, such real and personal or mixed estate as the purposes of the city may require, within or without the limits of said city: *Provided*, that the common council of said city shall not have the power, either by lease, sale or otherwise, to cause the erection of any building or buildings on the public landing, or other grounds, now owned by said city, and fronting on the Mississippi river, but may authorize the laying down of one or more railroad tracks on the public landing or other streets, if, in their opinion, the interest of the city shall require it.

Contracts.

§ 12. All ordinances and such resolutions for entering into contracts and appropriating money 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, at its next meeting thereafter, with his objections thereto. Upon the return of any ordinance or resolution, by the mayor, the vote by which the same was passed may be reconsidered; and if, after such reconsideration, a majority of all the members elected to the common council shall agree, by yeas and nays, (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 for a longer period



than three days after the same shall be placed in the clerk's office aforesaid, the same shall go into effect.

§ 13. If, at any sale of real or personal estate, on assessments for taxes, 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 a certificate, in the corporate name of said city, of the purchase thereof, and shall be vested with the same rights as other purchasers at such sales, and shall have power to sell and convey the same as other real estate. And this section shall be considered as every way applicable to sales heretofore made for such assessments and taxes levied by said city of Alton, under the provisions of her charter and ordinances. Sale of property  
for taxes.

§ 14. The city of Alton is hereby erected into a school district. The school land, school fund, and all other real and personal estate, belonging to the township number five north, of range number ten west of the third principal meridian, shall be divided between the city of Alton and the portion of the township lying without the limits thereof, by the trustees of schools of said township, within three months from the passage of this act. Said division to be made between the said city and said township without the city, in proportion with and according to the number of white persons, under the age of twenty-one years, residing in said city and without said city, in said township. School district.

§ 15. The common council shall have and possess all the rights, power and authority necessary for the proper management of the school lands and funds belonging to the said school district; and shall have power to prescribe the branches to be taught in the different schools, to grade and regulate the same, and to enact such ordinances as may be necessary to carry their powers and duties into effect. Schools.

§ 16. The school commissioner of Madison county shall, annually, pay to the school treasurer of the city of Alton the proportion of the school, college and seminary funds, to which the said Alton school district may be entitled, according to the number of persons, under the age aforesaid, residing in said district, taking his receipt therefor. School funds.

§ 17. So much of section twelve, (12,) of the "Act to incorporate the city of Alton," passed July 31st, 1837, as authorizes the city of Alton to levy and collect a tax, for the support of schools, of one-fourth ( $\frac{1}{4}$ ) of one per cent. on the personal property in said city, be and the same is hereby repealed, as also so much of said section as authorizes the common council to levy a tax on the real estate in said city, sufficient or necessary to purchase lots and erect necessary buildings for schools, is hereby repealed.

§ 18. That each and every ward of the city of Alton shall constitute an election precinct; and the judges of election, and the place of holding elections therein, for state and county officers, shall be appointed by the common council of Election  
precincts. pre-

said city, in the same manner that judges of the city elections are appointed: *Provided*, that there shall be but one place of holding elections in each of said precincts. All elections for state and county officers, in said wards and precincts, shall be conducted and returns thereof made to the county clerk, as provided by the law regulating state and county elections.

Vote upon the  
charter.

§ 19. All the acts and parts of acts to incorporate the city of Alton and the amendments thereto, which are repugnant to and in conflict with this act, be and the same are hereby repealed: *Provided, however*, that the city council of the city of Alton shall submit the whole of this charter to the legal voters of the city, for their adoption; to be accepted or rejected by them, as a majority shall decide. The voters in said election may vote for or against the whole of said charter, or for or against any part or section thereof; and in case a majority of legal votes is cast for or against the whole charter, the judges of the election shall decide accordingly; or, if the majority of votes should be cast in favor of particular parts of said charter, the same shall be declared adopted and shall be in force. And the voters may designate on their tickets the section or sections they vote against. The election shall be conducted, in all respects, and notice given, as in the case of the adoption of the last city charter of said city. Said election to be held on the first Tuesday in April, 1861.

This act to take effect and be in force, subject to such election, from and after its passage.

APPROVED February 18, 1861.

In force February 18, 1861. AN ACT to grant and establish a city charter for the City of Bloomington.

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 Bloomington, in McLean county, Illinois, be and they are hereby constituted a body politic and corporate, by the name and style of "The City of Bloomington;" and by that name shall have perpetual succession, and may have or not have a common seal, which they may change, alter or abolish at pleasure.

Corporate limits.

§ 2. The corporate limits of the city of Bloomington shall embrace a territory of one and a half miles square, extending three quarters of a mile east, west, north and south of the southeast corner of lot number sixty, in the original town of Bloomington; and shall also include all town plats and additions adjoining the above prescribed limits; and whenever any tract of land, adjoining the said limits or any addition to said city, shall be laid off into town lots, and the

plat thereof recorded, the same shall be and form a part of the city of Bloomington as fully as if within the original corporate limits.

§ 3. The inhabitants of said city, by the name and style aforesaid, shall have power to sue and be sued, to implead 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, lease, sell, convey and dispose of property, real and personal, within and beyond the corporate limits, for public purposes, for the use of the inhabitants of the city, and to improve and protect such property; and to do all other things, in relation thereto, as natural persons. Corporate powers

§ 4. The municipal government of the city shall consist of a mayor, and city council, composed of one alderman from each ward of the city: *Provided*, that if, at any general municipal election, a majority of all the voters at said election shall, in such manner as the council may prescribe, vote in favor of a representation of two aldermen from each ward, then the council shall be composed of two aldermen from each ward, and the council shall order a special election for the additional aldermen. Municipal officers

§ 5. There shall be a city clerk, a treasurer, a street commissioner, an assessor, a collector, a marshal, a chief engineer of the fire department, and such other officers as the council may deem necessary, from time to time, to appoint.

§ 6. The mayor, aldermen, treasurer, street commissioner, and all other officers of said corporation, shall be elected by the qualified voters of said city.

§ 7. An election shall be held in said city on the third Monday in April, A. D. 1861, and at the same time in each year thereafter, to elect a mayor, clerk, treasurer and street commissioner, and aldermen in the proper wards. The person having the highest number of votes, for the respective offices, shall be declared elected. At the election in April, A. D. 1861, aldermen shall be elected in wards number one and two, as now constituted; and the aldermen now elected from wards number three and four shall hold over during their full term. City election.

§ 8. The mayor, clerk, treasurer, and street commissioner, shall, respectively, hold their offices for one year, and the aldermen for two years. All the other officers mentioned or provided for in this act or by ordinance of said city, shall hold their respective offices during the pleasure of the council. Officers elected to fill vacancies shall hold for the unexpired term only. Term of office.

§ 9. In case the people should 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 officers elected by the people, except aldermen, such vacancy shall be filled by a new election, within



ten days after the vacancy occurs, unless nine months of the term of office has expired; in which event the council may fill such office by appointment. Any vacancy in the council shall be immediately filled by a new election in the proper ward.

Notice of election

§ 10. The council shall, previous to any election under this charter, give notice of such election, by publication, in a newspaper published in the city or by printed notices in each ward, or by both.

§ 11. The council shall have power to regulate elections, and to appoint judges thereof. Voting shall be by ballot; and the judges of election shall take the same oath, and have the same power and authority, and be subject to the same penalties, as judges at general elections, under the state laws. The ballots shall be counted in the manner provided by general law. The returns shall be delivered, sealed, to the city clerk, within one day after the election; and the council shall, within three days after said election, meet and canvass the votes, and declare the result of the election. All persons elected or appointed to office shall qualify within twenty days thereafter; otherwise the office shall become vacant.

Qualifications of voters.

§ 12. Every person entitled to vote at the general state elections, who has been resident in the city six months and an actual resident of the ward in which he proposes to vote for thirty days immediately preceding the municipal election, and who, if required by the judge or qualified voter, shall take the following oath: "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 state one year, and a resident of this city six months 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," shall be a qualified voter at all municipal elections: *Provided*, that the voter shall be deemed a resident of the ward in which he is accustomed to lodge. All persons, not entitled to vote, who shall vote or offer to vote at any election held under this act or the ordinances of the city in pursuance hereof, shall be punishable according to the laws of this state.

Aldermen

§ 13. No person shall be an alderman unless he is a citizen of the United States, twenty-one years of age, and, at the time of his election, shall have resided one year within the limits of the city. And if any alderman shall, after his election, remove from the ward for which he is elected, his office shall thereby be vacated.

§ 14. 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.

§ 15. The council shall have power to determine and fix the time of its meetings, the rules of its proceedings, punish its member 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.

Rules of the council.

§ 16. 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.

§ 17. 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. And he shall be the head of the police and fire departments. And all marshals, deputy marshals, policemen, and all officers of the fire department, shall be under his command.

The mayor.

§ 18. No person shall be eligible to the office of mayor who is not a citizen of the United States, and who shall not have been a resident of the city for two years next preceding his election, or who shall be under twenty-one years of age. If the mayor removes from the city his office shall be vacated.

§ 19. The mayor 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 enforcing the laws of the state or ordinances of the city, and, in case of riot, to call out the militia, 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 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.

Exhibit of official books.

§ 20. 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 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, for a longer period than ten days, after an ordinance shall

Ordinances.

be placed in the clerk's office, as aforesaid, the same shall go into effect.

§ 21. 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.

§ 22. 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 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.

Duties of city clerk.

§ 23. 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 ordinances and papers 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's duties.

§ 24. 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 of the council, by treasury warrant, signed by the clerk and mayor; and such warrant shall specify for what purpose the amount therein named is to be paid.

§ 25. The treasurer 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.

The marshal's duties.

§ 26. The marshal and deputy marshal shall perform all such duties as may be provided by ordinance; and they 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, in any place within the county of McLean.

§ 27. 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. Assessor.

§ 28. 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. Collector.

§ 29. The council shall have power, from time to time, by regular ordinance, to fix the compensation, prescribe the duties of, and to require further and other duties of all officers elected or appointed under this act: *Provided*, the compensation of any person elected to any office made elective by this act, shall not be increased or diminished during his term of office.

§ 30. All suits or actions, for the recovery of any fine, penalty or forfeiture arising under this act or the ordinances of the city, where 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 police magistrates and police constables, when elected under any law of this state, and all justices of the peace, designated by the council or 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 Bloomington, 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. Recovery of fines

§ 31. In all prosecutions or suits, brought by the city of Bloomington, for the violation of any ordinance, by-law or police regulation, 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.

§ 32. In addition to the powers hereinbefore mentioned the council shall have power, by ordinance : Miscellaneous powers of the city council.

1st: 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, made taxable by the laws of state, and in its own manner provide for the levy of assessment and collection of city taxes and assessments, not inconsistent with the constitution of the state, and to alter and change any such provisions as it may, from time to time, deem proper. To prescribe the form of assess-

Taxes.

ment lists, and make such regulations in relation to revising, altering or adding thereto, as it may deem right and proper. To provide that the city taxes and general and special assessments shall, by the proper officers of the county of McLean, be carried out on the books of the proper township collectors, whose several townships embrace the city of Bloomington, to be by them collected in same manner and at 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 other officer designated by general laws, 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 person as the council may direct. All taxes and assessments, general or special, levied or assessed under this act, or any ordinance in pursuance hereof, 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 personal property from and after the delivery of the warrant for collection until paid.

2d: To require all officers, appointed in pursuance of this charter, to give bonds, 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.

3rd: 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.

4th: To appropriate and provide for the payment of the debts and expenses of the city.

5th: To declare what shall be a nuisance, and to prevent, abate and remove the same.

6th: To provide the city with water, for the extinguishment of fires and the convenience of the inhabitants, in such manner as it may deem best.

Opening streets.

7th: To open, alter, abolish, widen, extend, establish, grade, pave or otherwise improve and keep in repair streets, avenues, lanes and alleys; to make, establish, build and construct sewers, and to carry out a system of sewerage, 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 may, by ordinance, 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 the seventh division of

this section, except sidewalks, shall be levied and assessed upon the real estate adjoining or benefited thereby, with the costs of proceeding therein, in proportion, as nearly as may be, to the benefits resulting thereto, and shall be collected as in other cases. 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 sidewalks or private drains at their own cost and charges, in the manner and within the time prescribed by ordinance, or otherwise; and if not done in the manner and within the time prescribed the council may cause the same to be constructed, repaired, relaid or cleansed, and assess the expense thereof, by an order, to be entered in their proceedings, 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 the seventh division of this section; and it may then be optional with the council which remedy shall be pursued.

Drains and sewers.

8th: To change the boundaries of any ward, and establish new wards, and provide for the election of aldermen.

9th: To provide for lighting the streets, keeping the same in repair, and to prohibit obstructions and nuisances in any street or alley.

10th: To erect market houses, establish markets and market places, and provide for the government and regulations thereof.

11th: To provide for erecting all needful buildings, for the use of the city; to license, tax and regulate auctions, merchants, retailers, grocers, taverns, hawkers, peddlers, brokers, pawn brokers and money changers, hacking carriages, wagons, carts, and drays; and to fix the rates to be charged for the carriage of persons, and for the wagonage, cartage, and drayage of property.

City buildings.

12th: To license and regulate porters, and fix the rates of portage.

13th: To license, tax and regulate theatrical and other exhibitions, shows and amusements.

14th: To tax, restrain, prohibit and suppress tippling houses and dram shops; to prohibit and suppress gaming, gambling, gaming houses, bawdy houses, and all disorderly houses.

Tippling houses, etc.

15th: 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.

16th: To provide for the prevention and extinguishment of fires, and to organize, establish and support fire companies.



17th: To provide for the prevention and suppression of riots, routs, unlawful assemblages, and any disturbance of the public peace, and punish, by fine, all persons guilty thereof.

18th: 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, blacksmith, tannery, stable, slaughter house, distillery, brewery, sewer, 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 affected thereby.

19th: 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, slaughtering establishments, establishments for steaming or rendering lard, tallow, offal and such other substances as may be rendered, and all other establishments and places where any nauseous, offensive or unwholesome business may be carried on or conducted.

R.Hreads.

20th: To direct and control the laying and construction of railroads, bridges, turnouts, switches, in the streets and alleys, and the location of depot grounds, within the city; to require railroad companies to keep in repair and to light the streets and alleys through which their tracks may run, and construct and keep in repair and unobstructed, suitable crossings at the intersections of their roads, with 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.

21st: To regulate the conduct of persons present at any fire, in said city, and to provide for punishing any person for disobeying such regulations; to require all male inhabitants, over twenty-one years of age and under fifty, to pay an annual street tax, not exceeding three dollars, and to provide for the collection of said tax.

22nd: To regulate, establish and order party walls and partition fences.

23rd: To establish and regulate standard weights and measures, in all cases not otherwise provided by law.

inspection  
lumber, etc.

of 24th: To provide for the inspection and measurement of lumber and other building material, and for the measurement of all kinds of mechanical work; and to provide for the inspection and weighing of hay, stone coal, 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, quality and price of bread, to be sold and used in the city.

25th: To provide for the taking enumerations of the inhabitants of the city.

26th: To regulate the fees of jurors, witnesses, and others, for services rendered under this act or any ordinance. To prohibit horse-racing and immoderate riding or driving in the streets. To prohibit and punish the abuse of animals. To restrain and punish vagrants and street beggars. To establish and regulate public pounds. To restrain and prohibit the running at large of horses, mules, cattle, sheep, swine and goats; and to authorize the distraining and impounding and sale of the same, for the costs of the proceeding and penalty incurred. To tax, regulate, restrain and prohibit the running at large of dogs, and to authorize their destruction, when at large contrary to ordinance. To provide for the safety and convenience of the inhabitants and other persons of the city, by prohibiting all acts, sports or amusements in the streets, or public places of the city, of a dangerous character. To provide for the punishment of offenders, by imprisonment in the county or city jail, and by requiring them to work on the streets of said city, in all cases where such offenders shall fail or refuse to pay any fine or forfeiture recovered against them.

Vagrants.

Mode of punishment.

27th: 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.

28th: To license, regulate, suppress and restrain billiard tables, and from one to twenty pin alleys. To audit all accounts and claims against the city, and to require the creditor or claimant to verify his account or claim by his own oath or the oath of some other person.

29th: To make all ordinances, which shall be in any wise necessary and proper for carrying into execution the powers specified in this act, and to perform and enforce penalties for the violation thereof, so that such ordinance be not repugnant to nor inconsistent with the constitution of the United States or this state.

§ 33. The 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; and may further provide that no change of venue shall be taken from such police magistrate or justice of the peace selected by the city, as hereinbefore provided, and that no appeal shall be taken from any such justice of the peace or police magistrate, except upon bond given and the proceedings and testimony reduced to writing as a bill of exceptions, signed by

Suits at law.

the said magistrate or other officer; and the appellate court shall try said appeal on the proceedings and evidence embodied in said bill of exceptions and none other. The style of the ordinances of the city shall be, "*Be it ordained by the city council of the city of Bloomington.*" 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.

§ 34. 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 and published, 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. And the council shall cause all ordinances of the city, then in force, to be revised and published in book or pamphlet form, within twelve months after the passage of this act.

Road tax.

§ 35. The inhabitants of the city of Bloomington shall be exempt from any highway, road or bridge tax, to be used beyond the limits of the 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 preparing of roads or bridges outside the city of Bloomington.

§ 36. Any mayor, acting mayor or alderman of the city shall be liable to indictment, in any court of record in McLean county, for receiving a bribe for the exercise of any official power, for palpable omission of duty, willful aggression or malconduct, in the discharge of the duties of his office, and, upon conviction, shall be subject to a fine of 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 the office.

§ 37. All ordinances, regulations and resolutions now in force in the city of Bloomington, and not inconsistent with this act, shall remain in force under this act until altered, modified or repealed by the council, after this act shall take effect.

Prosecutions.

§ 38. 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 hereby created.

§ 39. All property, real, personal or mixed, belonging to the city of Bloomington, 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.



§ 40. This act shall not invalidate any legal act done by the council of the city of Bloomington 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.

§ 41. All officers of the city, aldermen included, are hereby created conservators of the peace by this act, and 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, detain such persons in custody over night, in the city jail or other safe place; and shall have and exercise such other powers, as conservators of the peace, as the council may prescribe.

§ 42. Nothing in this act contained shall be construed so as to deprive the council of said city of any power or authority conferred upon the same by act under which said city was incorporated and the various acts amendatory thereto; but the council shall possess and enjoy all the powers and authority heretofore conferred upon the same, except so far as such power and authority have been expressly modified or repealed by this act or the acts heretofore mentioned.

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.

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

APPROVED February 13, 1861.

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AN ACT to amend the charter of the City of Belleville.

In force February  
22, 1861.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the city council of the city of Belleville shall have power, within the jurisdiction of said city, by ordinance, to regulate cemeteries and burying grounds, within two miles of the city, and to punish, by fines, penalties or imprisonment, 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.

§ 2. 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 thereof, 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

Additions to the  
city.

or 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 one-half mile of the limits thereof, shall be entitled to record or shall be recorded in the office of the recorder of St. Clair 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.

Qualification  
voters, of

§ 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."

Salaries.

§ 4. The salary of the mayor of said city shall not be more than three hundred dollars per year; and no alderman shall receive more than fifty dollars per year for any services rendered by him as a member of the city council.

Punishment of of-  
fenses.

§ 5. 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 proofs 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, where 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.

Collection of fines

§ 6. 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.

§ 7. 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.

§ 8. The city council shall have power to levy and collect, besides the general tax, a special tax, on all taxable property, of not exceeding two mills on the dollar; which two mills shall constitute a sinking fund, to be applied, wholly applied, in the payment of the bonds and obligations of the city, due or maturing on or before the first day of January, 1865, and for no other purpose whatever.

§ 9. The city council may authorize the mayor and register to issue bonds, to the amount of five thousand dollars, payable in not less than ten nor more than fifteen years, and bearing ten per cent. interest, per annum; the proceeds of which shall be applied to the building of cisterns or to subscription for stock to aqueducts or water works; said bonds not to be disposed of for less than par: *Provided*, that no such bonds shall be issued unless a majority of the tax payers, to whom the question shall be submitted, shall have decided in favor thereof.

§ 10. Section 29, of the 13th article of the charter of said city, approved February 18th, A. D. 1859, is hereby repealed; and no act of the city council for the non-observance of said section, shall, in any way, be affected or impaired, any more than if said section had never been a part of the charter of said city.

§ 11. Every act and every part of any act in conflict with the provisions of this act are hereby repealed.

This act to take effect from and after its passage.

APPROVED February 22, 1861.

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AN ACT to amend the charter of the City of Cairo.

In force February  
18, 1861.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That all that part of the seventh article of the original charter of the city of Cairo, entitled "Miscellaneous Provisions," approved February 11th, 1857, included in section one of said article, after the words "on the same," in the fourth line of said section, and thence to the end of said section one, be and the same is hereby repealed.

§ 2. *Be it further enacted*, That all of section five of an act entitled "An act to amend the charter of the city of Cairo," approved February 11th, 1859, be and the same is hereby repealed.

§ 3. From and after the passage of this act assessments shall be made of all the property within the city of Cairo for



county purposes, the same as if the parts of acts hereby repealed had never been in force; but no assessments shall be made for county purposes for the period said parts of acts were in force; or, if made, no collection shall be enforced of said taxes.

§ 4. This act shall be in force from and after its passage.  
APPROVED February 13, 1861.

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In force February  
18, 1861.

AN ACT to amend "An act to amend the act entitled 'an act to reduce the law incorporating the city of Chicago and the several acts amendatory thereof into one act, and to amend the same,' approved February 14, 1851, and to reduce the several acts amendatory of said act into one act, and to amend the act entitled 'an act to incorporate the Chicago City Hydraulic Company,' approved February 15, 1851, and to reduce the several acts amendatory of said last mentioned acts into one act, and to amend the act entitled 'an act to incorporate a board of Sewerage Commissioners for the City of Chicago,' approved February 14, 1855.

City election.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That the municipal elections in said city shall be held on the third Tuesday in April, at which time there shall be elected, by the qualified voters of said city, all officers to be elected at the general municipal election. The first election shall be held on the third Tuesday in April, 1861; and no special election shall be hereafter held in said city for the election of city officers, except as is in this act provided.

Term of office.

§ 2. The term of office of the mayor, aldermen, water commissioners, sewerage commissioners, and of all officers now elected or appointed in and for said city, except as is in this act specially provided, is hereby extended, and shall continue until the first Monday in May, 1861, and until their successors are elected and qualified. The present city marshal shall continue in office until the expiration of the term for which he was elected, when the office of city marshal shall expire, and there shall be no city marshal in said city after the fourth day of March, 1862. The term of office of all water commissioners and of all sewerage commissioners in said city, shall expire on the first day of May, A. D. 1861, any provision of law now in force to the contrary notwithstanding.

#### BOARD OF PUBLIC WORKS.

Street commis-  
sioner and city  
superintendent.

§ 3. That so much of the act to which this is an amendment, as provides for the election of a street commissioner in the north, south and west divisions of said city, at the annual election, and for the appointment of a city superintend-

ent by the common council of said city, is hereby repealed. All provisions in relation to the duties of said officers mentioned in this section shall continue in force to the first Monday in May next, at which time the same shall cease to have any force or effect whatsoever: *Provided*, that the city shall have the right to enforce the performance of all contracts heretofore entered into, and the rights and liabilities accrued or to accrue, under any provisions of law now in force, and to continue and complete all proceedings commenced under any law or ordinance of said city, and to assess the costs and expenses of any improvement or work heretofore ordered, and the assessment for the same, the same as if said provisions of law remained in full force and effect; and the commissioners of the board of public works, hereby created, shall carry out such contracts and complete all such improvements or works heretofore commenced.

§ 4. After the first Monday in May, 1861, there shall be organized in said city, an executive department of the municipal government, to be known as the "Board of Public Works."

§ 5. The said board of public works shall consist of three commissioners, to be chosen one from the north, one from the south, and one from the west division of said city, who shall constitute said board. At the next city election, to be holden in said city on the third Tuesday in April, 1861, there shall be elected by the qualified voters of said city, three commissioners of said board from the said divisions, who, when elected, shall be the first commissioners of said board of public works, and who shall respectively hold their offices for two, four and six years, and until their successors are duly elected and qualified.

Commissioners of  
board of public  
works.

§ 6. The said commissioners herein named shall, within ten days after the first Monday in May, A. D. 1861, proceed to organize said board, and decide, by lot, their respective terms of office, which decision shall be filed and deposited in the office of the city clerk.

§ 7. On the third Tuesday of April, A. D. 1863, and biennially thereafter, there shall be elected, at the general city election held in said city, one commissioner of said board of public works, to succeed the member thereof whose term of office expires; which commissioner shall be elected from the division of said city represented by the commissioner whose term of office expires; and said commissioner, when elected, shall hold his office for the term of six years, and until his successor in office is duly elected and qualified. Should a vacancy occur, it shall be filled by appointment by the mayor, with the advice and consent of the common council of said city, until the next regular city election, when the qualified voters of said city may, as in other cases, fill such vacancy by an election of a successor, who shall hold his office for the unexpired term; said commissioners shall be

elected in the same manner as is now provided by law for the election of general city officers, by general ticket, by the qualified voters of the whole city; and no person shall be elected a commissioner of said board of public works unless he has been a resident of said city for at least three years, and a resident in the division of said city for which he is elected, at least one year immediately preceding his election.

Commissioners' bond.

§ 8. Before entering on the discharge of his duties, each of said commissioners shall give bond to said city, in the sum of one hundred thousand dollars, with sureties to the satisfaction of the acting judge of the circuit court for Cook county; which bond shall be conditioned for the faithful discharge and performance of his duties as such commissioner; and that he will well and truly pay over any and all moneys, and surrender any and all property, books and papers which may come into his hands as such commissioner, on the expiration of his term of office, or when required so to do by the common council.

Powers and duties of the board.

§ 9. Said board of public works shall have the charge and superintendence of all streets, alleys, lanes or highways in said city, and of all walks and cross-walks in the same, and of all bridges, docks, wharves, public places, public landings, public grounds and parks in said city, and of all markets, market places and market houses, engine houses, hospitals, armories and all other public buildings in said city belonging to the city, except school houses, and of the location and erection of all public buildings; of all lamps and lights for the lighting of the streets, alleys, lanes, highways, bridges, parks, public places and public buildings of the city, and of the erection and repair of such lamps and lights, and the creation of new lamp districts; of all works for the widening, deepening or dredging of the Chicago river, or either of its branches; of all sewers and the works pertaining thereto; of the water works of said city; of all public improvements hereafter to be commenced by said city. And they shall perform all the duties by this act prescribed, and such other duties as the common council may prescribe by ordinance.

Employees.

§ 10. Said board is authorized to employ, from time to time, such superintendent or superintendents, engineers, surveyors, clerks, assistants and workmen in the discharge of their duties as they may deem necessary, and shall pay their employees such salaries or wages as they shall deem proper.

Copies of contracts.

§ 11. Two of said commissioners shall constitute a quorum to do business; they shall keep a record of all their acts and doings, and adopt rules for their government and the government of their employees; and they shall keep and preserve copies of all contracts, estimates, receipts, plans, profiles and the papers of the board; and shall re-



port their acts and doings in detail to the common council on or before the first Monday in January and July in each year, and oftener, when required so to do by the common council.

§ 12. All applications for a change of grade, the erection of bridges, the creation of lamp districts, the lighting of streets and public places, the grading, re-grading, paving, re-paving, graveling and re-graveling, macadamizing, plank-ing, re-planking of streets, alleys, highways or lanes, and the cleaning thereof, the construction and repairs of side-walks, the improvements of public grounds or buildings belonging to the city, the widening, deepening or dredging of the Chicago river or either of its branches; the opening, straightening, widening or closing of any street, alley, lane or highway, or for any other improvement, the doing of which is now placed by law under the care and within the control of the municipal government of said city, shall, hereafter, be first made to the said board of public works. Upon receiving any such application, the said board shall proceed to investigate the same; and if they shall determine that such improvement is necessary and proper, before recommending the same to the common council, they shall cause an estimate of the expense and cost of the making of such improvement, or doing such work to be made; which estimate, together with a plan or profile of the work to be done, or improvement to be made, shall accompany such recommendation of said board to the common council; and if they do not approve of such application they shall report such application, with the reason for their disapproval, and the common council may then order the doing of such work or the making of such improvement, having first ordered an estimate of the expense thereof.

Estimates of ex-  
penses.

§ 13. The said board shall have the exclusive privilege to grant permits, according to the ordinances of the city, for the moving of houses, through the streets of the city, and shall regulate the building or placing of vaults under the side-walks, and all open spaces for the basement stories, and the use of the public streets in any legal and proper manner, except for railroad tracks; and no building material or obstruction of any kind shall be placed in the public streets, alleys, or on the public grounds, without the written permit of said board; said board shall have full power to regulate and control the manner of using the streets, alleys, highways and public places of the city, for the laying down of gas or water pipes and sewers, and to cause the prompt repair of the streets, alleys, highways and public places wherever the same may be taken up or altered; and they are hereby authorized and empowered to charge and collect, by suit or otherwise, in the name of the city of Chicago, the expense of such repairs to and from the person or persons

by whom such street, alley, highway or public ground may have been taken up or altered.

§ 14. The said board shall have the exclusive privilege of granting permits for the erection of wooden buildings within the fire limits of said city, and to regulate and superintend the erection of the same.

Street labor.

§ 15. The said board shall hereafter superintend and direct the labor required to be performed by law, by male residents over twenty-one years of age, upon the streets and alleys of said city, and to give the notices now required to be given by the street commissioners in said city; and they shall report to the city controller the number of persons so liable to labor upon said streets and alleys, when notified, and the number and names of the persons in default and refusing to work, so that the controller may take such measures to collect the street tax due from such persons in lieu of said labor, and properly charge the same in like manner as other revenues of said city; and said board of public works are hereby vested—for the purposes of this section—with all powers now conferred by law on the street commissioners in said city.

#### SIDE WALKS.

§ 16. Said board shall, when they may deem it proper and necessary, to repair or construct any side walk, direct the occupant or owner, where he may be known, of any lot, sub-lot, piece or parcel of ground fronting the same, upon any street, alley, lane or highway, to repair or construct such side walk at his own proper cost and charge, under the superintendence of said board, in such manner and of such material as they may prescribe, and within such reasonable time as they shall direct; and if the same is not so completed, within such time, the board shall cause an estimate of the expense of repairing or constructing such side walk to be made, and shall report the same to the common

Assessment  
costs.

of council, together with a recommendation that the proper ordinance be passed for the doing of such work; on the passage of such ordinance, the board of public works shall proceed to make an assessment of the costs, damages, and expenses for the making of such improvement or for the doing of such work—the members of the said board being hereby appointed special commissioners to make such assessment. The damages, costs and expenses of making such contemplated improvement shall be assessed on the lot, sub-lot, piece or parcel of land, fronting, bounding or abutting thereon, and shall be in proportion to the number of front feet of said lot, sub-lot, piece or parcel of land, so bounding, abutting or fronting on such improvement.

GRADING, CURBING, PAVING, PLANKING AND REPAIRING OF  
STREETS.

§ 17. Whenever the board of public works may consider it necessary that any street, alley, lane or highway should be graded, curbed, paved with wood, stone or other material, or re-paved or planked, re-planked, macadamized or repaired, graveled or re-graveled, they shall report the same to the common council of said city, accompanied with a plan or profile of the work to be done and an estimate of the expense for the doing of the same, accompanied with a proper ordinance for the ordering of such work to be done; and if the common council shall order such work to be done, or such public improvement to be made, the said board of public works shall proceed to make an assessment of the benefits and damages, costs and expenses of the doing of such work and the making of such contemplated improvement—the said board of public works being hereby appointed commissioners to make such assessment. The damages, costs and expenses of making such improvement shall be assessed on the lot, sub-lot, piece or parcel of land fronting, bounding or abutting thereon, and shall be in proportion to the number of front feet of the said lot, sub-lot, piece or parcel of land, so bounding, abutting or fronting on such improvement.

Plans and profiles.

OPENING OF STREETS AND PUBLIC GROUNDS.

§ 18. Whenever said board of public works shall deem it for the interest of said city to open, widen, lay out, extend, alter, narrow, straighten or close any public street, alley, lane, highway, park or public ground of said city, or to improve any park or public ground, they shall report the same to the common council, accompanied with a plan or profile of the contemplated work or improvement, and an estimate of the expense of the same; and they shall also specially report what damages it will be necessary to assess, and whether, in their opinion, lands, tenements and hereditaments, with any or all interests to be benefited or assessed, can be found benefited to the extent of the damages, costs and expenses necessary to be incurred in the making of such contemplated improvement; and if the common council shall order such public improvement to be made, the said commissioners of said board of public works shall proceed to make an assessment of the benefits and damages, costs and expenses of the doing of such work and the making of such contemplated improvement—the said board of public works being hereby appointed commissioners to make such assessment in accordance with the extent of the benefits accruing, and of the report theretofore made by said board; and the damages, costs and expenses of making such improvement shall be assessed by the commissioners, on



the real estate deemed benefited by such improvement, in proportion to the benefits resulting therefrom, as nearly as may be.

#### WIDENING, DEEPENING AND DREDGING OF THE CHICAGO RIVER AND ITS BRANCHES.

§ 19. Whenever said board of public works shall deem it for the interest of said city to widen, deepen or dredge out the Chicago river, or either of its branches, or any part or parts of the same, it shall report such fact to the common council of said city, together with an estimate of the cost and expense of the making of such improvement, accompanied with a plan or profile of the contemplated improvement, with an ordinance ordering the doing of such work and the making of such improvement; and if the common council shall order such work to be done, the commissioners of said board of public works shall proceed to make an assessment of the benefits and damages, costs and expenses of the doing of said work or the making of such improvement—said board of public works being hereby appointed commissioners to make such assessment. The damages, costs and expenses of making such improvement shall be assessed on the property by the commissioners deemed benefited by the making of such improvement.

Assessment  
damages, etc. of

#### SURVEYING AND CLEANING STREETS AND REPAIRING PUBLIC BUILDINGS.

§ 20. The cost and expense of surveying streets, alleys, lanes and highways, and the cleaning thereof, and the cleansing of public places, markets and gutters, all improvements at the intersection of streets or alleys, or of streets and alleys, and the repair of public buildings within said city, and the construction of cross walks, shall be chargeable upon and paid out of the general fund of said city: *Provided*, the common council of said city shall have the same power as is now provided by law to punish all violations of any ordinance or regulation in relation to the public health of the city.

#### BUILDING BRIDGES.

§ 21. Whenever said board shall deem it for the interest of said city that any bridge should be hereafter constructed over the Chicago river, or either of its branches, they shall estimate the whole expense thereof and submit such estimate, with a proper plan, to the common council, who may then direct the construction thereof, under the superintendence of said board: *Provided*, whenever a suitable number of persons shall agree to secure to the board of public works the full expense of constructing any bridge, the

Expense of con-  
struction.

common council may, in their discretion, authorize the persons agreeing to bear the expense thereof to contract for the building of such bridge. In such case, however, the board of public works shall have the entire charge and superintendence of such work, and the plans for the same shall be subject to their approval.

§ 22. All public improvements, not herein specified to be paid for by special assessment, shall be paid for out of the general fund of said city, or in such manner as the common council of said city shall direct.

§ 23. Whenever said board of public works shall recommend to the common council the passage of an ordinance directing the doing of any work or the making of any public improvement, to be paid for by a special assessment, they shall, with such recommendation, certify to said common council whether the doing of such work or the making of such public improvement is asked for by the petition of the owners of three-fourths of the property so to be assessed for the doing of such work or the making of such public improvement; and if the owners of three-fourths of the property so to be assessed shall fail to petition for the making of such public improvement or the doing of such work the same shall only be ordered by the votes of three-fourths of all the aldermen elected; such vote to be entered by ayes and noes on the record of the common council. The certificate of said board of public works shall be *prima facie* as to the number of said petitioners and of the interest of those asking for the doing of such work or the making of such public improvement.

Petition for public improvement.

§ 24. So much of the act to which this is an amendment as provides for the appointment, by the common council of said city, of commissioners to make special assessments, is hereby repealed; and said commissioners of said board of public works shall, in all cases, act as commissioners to make special assessments, whenever the same may be ordered; for the making of which assessments they shall receive no fees.

§ 25. The said commissioners of said board of public works shall, before proceeding to make any assessment, give six days' notice, by publication in the corporation newspaper, of the time and place when and where they will proceed to make such assessment; in which notice they shall specify what such assessment is to be for, the amount of such assessment, and the premises to be assessed, as near as may be done, by general description. The meetings of said commissioners, when engaged in making an assessment, shall be held in a public place in said city, to be specified in said notice; and all persons interested in any such assessment shall have the right to be present and be heard, either in person or by counsel, at the making of such assessment, and to introduce witnesses at such hearing, for the

Notice of assessment.

purpose of proving the true value of the premises assessed or of the damages sustained by the reason of the making of such improvement; and said commissioners, for this purpose, are hereby authorized to administer oaths to all witnesses produced before them; and they may require the city attorney to appear before them at such hearing to represent the interests of the city; and said commissioners, when engaged in making an assessment, may adjourn, from time to time, until such assessment is completed.

Filing of assessment rolls.

§ 26. When any assessment shall have been completed by the board of public works and the assessment roll shall have been made up a copy of the same shall be filed in the office of said board, and a duplicate thereof shall be filed in the office of the city clerk, signed by the acting president of said board of public works; and six days' notice shall be given by said commissioners, by publication in the corporation newspaper, of the filing of such copy of such assessment roll in the office of the city clerk, and that at the next regular meeting of the common council, after the expiration of such publication, the said commissioners will apply to the common council for a confirmation of such assessment. All parties interested in said assessment shall have the right to be heard at such meeting of the common council, both for and against such assessment. All parties objecting to such assessment shall file their objections to the same, in writing, in the office of the city clerk, at least two days prior to such meeting of the common council; and the council shall have the power to adjourn such hearing, from time to time, and shall have the power, in their discretion, to revise and correct the assessment and confirm or annul the same, and direct a new assessment to be made. Said assessments, when confirmed by the common council, shall be final and conclusive to all parties interested therein, except as is hereinafter provided; and when said assessment is confirmed by the common council, 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 any assessment shall be set aside the board of public works shall proceed to make a new assessment, in like manner, for the same purpose, for the collection of the amount so assessed. Any person interested in any special assessment made by the board of public works, at any time, within ten days after the confirmation of such assessment by the common council, and not after that time, having first given notice of his, her or their intention so to do to the city attorney, by leaving a written notice at his usual place of business, with some white person over the age of ten years, of such intention, specifying in such notice the court to which the appeal is to be taken, shall have the right to pray an appeal to any court of record for Cook county from the order of the common council confirming such assessment—first giving bond to said city, ap-

Right of appeals.



proved by the judge or judges of the court to which such appeal is taken, conditioned to save the city harmless from all damages caused by the taking of such appeal; and which bond, together with the objection to such assessment roll, specifying with such objection the land for which such objection is made, having been filed in the office of the clerk of the court to which such appeal shall be taken, shall be by such clerk docketed, in the name of the person taking such appeal, against the city of Chicago, "Appeal from Assessment;" and on the filing of a copy of the assessment roll, as confirmed by the common council, the same shall 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 before the judge and jury; and on such trial the only question to be passed on by the jury shall be whether the valuation of the property specified in such objections is the true value of the property, and whether such assessment is a fair and impartial assessment.

§ 27. If the first assessment prove insufficient the board of public works shall make a second, in the same manner, and so on until sufficient moneys shall have been realized to pay for such public 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.

§ 28. If the damage to any person, by reason of any public improvement, be greater than the benefit received, or if the benefit be greater than the damage, in either case the commissioners shall strike a balance and carry the difference forward to another column, so that the assessment roll may show what amount is to be received or paid by such owners, respectively, and the difference, only, in any case, shall be collectable of them or paid to them.

§ 29. If the lands and buildings which may be in any case taken, either in whole or in part, in the making of any public improvement, belong to different persons, or if the land be subject to lease or mortgage, the injury done to such persons, respectively, may be awarded to them by the commissioners, less the benefits resulting to them, respectively, from the improvements.

§ 30. Whenever, in the making of any public improvement, which the common council is authorized to order or make, either in pursuance of the powers conferred by this act or by the act to which this is an amendment, it shall be necessary to appropriate any land, the assessment by the board of public works of benefits and damages, costs and expenses for the making of such improvement, when confirmed by the common council, as is herein provided for the confirmation of assessments, and no appeal having been taken therefrom, shall be a sufficient condemnation of such land so appropriated. On confirmation of said assessment said board of public works shall pay or tender to the owner

Payment of damages.

of such land, or to his agent, the amount of damages over and above all benefits which may have been awarded therefor; and in case the owner or agent of such land cannot be found in said city the amount of such damage, over and above all benefits for the making of such public improvement, shall be deposited to the credit of such owner, by said board of public works, in some safe place of deposit in said city, other than the hands of the city treasurer or any officer of said city, for the safety of which the city shall be responsible; and ten days' notice shall be given of the making of such deposit, by publication in the corporation newspaper; and then, and not before, shall the board of public works enter upon, take possession of and appropriate such land. In case the damages to be paid for any land, so condemned, shall be paid for by a special assessment, the said commissioners shall pay for the same, or tender the moneys to pay for the same, when sufficient of such assessment shall be collected to pay therefor. The commissioners of the board of public works are hereby authorized to receive the moneys from the city treasurer to make such tender, when the same is required to be made, as herein provided.

Landlords and  
tenants.

§ 31. 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 confirmation of such assessment, respectively, cease and be absolutely discharged.

Removal of build-  
ings.

§ 32. If there should be any building standing, in whole or in part, upon the land to be taken for the purpose of any public improvement, 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.

§ 33. At least five days' personal notice shall be given to the owner of such determination, when known and a resident of the city, or left at his usual place of abode; if not known or a non-resident, notice to all persons interested shall be given by publication for ten days in the corporation newspaper; such notice shall be signed by the board of public works, and specify the lot upon which said building is situate 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 election to the board of public works, either to accept the award of the board of public works and allow such building to be taken, with the land condemned or appropriated, or of their intention to remove such building, at the value set thereon by the commissioners to remove. If the owner shall agree to remove the

building he shall have such time for this purpose as the board of public works may allow.

§ 34. If the owner refuse to take the building, at the value to remove, or fail to give notice of his election, as aforesaid, within the time prescribed, the board of public works shall have power to direct the sale of such building, at public action, for cash, giving five days' public notice of the sale. The proceeds of the sale shall be paid to the owner, or deposited to his use.

§ 35. Whenever a warrant shall have been issued for the collection of a special assessment, the same shall be delivered to the city collector, who shall give ten days' notice, by publication in the corporation newspaper, that he has received such warrant, describing the same by number and date and time when received, the amount to be collected, the purpose for which collected, and the property assessed, by general description. Such assessment shall be a lien from the time of the confirmation of such assessment on the real estate assessed; and no transfer or sale shall affect such lien. The payment of such special assessment may be enforced by said city at the same time and in the same manner as is now provided by law for the collection of the general tax levied on said city. Collection of assessments.

§ 36. If the amount of such assessment shall not be paid within sixty days after the first publication of notice, by the city collector that he has received such warrant for collection, said assessment shall be collected, with damages at the rate of one per cent. for each and every month that the same remains unpaid. Said damages to be calculated from the expiration of said sixty days.

§ 37. Said board of public works shall, whenever ordered so to do by the common council of said city, shall make an assessment to pay for the expense, cost, benefit and damage of doing any work, or for the making of any public improvement, which may have been heretofore within the last five years ordered by the common council of said city, and the assessment for which has been, for any cause, set aside or declared void, either in whole or in part, either by the courts of this state or the common council of said city, the making of which public improvement was authorized by any law in force at the time such public improvement was commenced. In all cases where payments have been made on former assessments, levied for or on account of the doing of such work, such payments shall be credited on such new assessment, when made, to the property for which such sums were paid, so that the assessment shall be equal and impartial in its results.

§ 38. Whenever any public improvement shall be ordered by the common council of said city to be made, and the assessment for the same (where the same is to be paid for by a special assessment) shall have been confirmed by the Proposals  
ing work.



common council, and one-half of such special assessment shall have been paid into the city treasury, the said board of public works shall advertise for proposals for doing said work—a plan or profile of the work to be done, accompanied with specifications for the doing of the same, being first placed on file in the office of said board; which said plan, profile, and specification, shall at all times be open for public inspection; which advertisement shall be continued for at least ten days in the corporation newspaper; shall state the work to be done, and the estimate for the doing of the same, made by said board of public works. The bids for the doing of such work shall be sealed bids, directed to said board; and said bids shall be opened, at the hour and place mentioned in said notice, by said board of public works. Where the expense of any work or public improvement shall exceed the sum of two hundred dollars, and the same is to be paid out of the general fund of said city, the doing of such work shall be let by contract, in the same manner as is provided in cases where the expense of the same is to be paid for by special assessment.

§ 39. All contracts entered into by said board of public works, and all bonds taken by them, shall be entered into and be made to the city of Chicago.

§ 40. All contracts shall be awarded by said board to the lowest responsible bidder or bidders, who will sufficiently guarantee, to the satisfaction of said board, the performance of said work, under the superintendence and to the satisfaction of said board; copies of which contracts shall be filed in the office of the controller of said city.

Non-performance  
of contract.

§ 41. The board of public works shall reserve the right in their said contracts, to finally decide all questions arising as to the proper performance of said work, and the sufficiency of the security offered for its performance; or, in case of its improper construction, to suspend said work at any time, and new let the same; or to order the entire reconstruction of said work, if improperly done, or to re-let the same to some more capable and faithful contractor or contractors, with power hereby given to said board to adjust the difference of damages or price, if any there be, which the contractor or contractors failing to properly construct such work, in such cases of default, should pay to the city, according to the just and reasonable interpretation of such contract, in their opinion; which difference or balance shall be recoverable at law, in the name of said city, before any court having competent jurisdiction thereof, against such contractor or contractors. But in all cases where the said contractor or contractors shall properly perform and complete their said contracts, to the satisfaction of said board of public works, according to the plan and estimates aforesaid, and of the proper and required materials, the said board shall then certify the same to such contractor or contractors, granting him

or them a certificate of the proper performance thereof, the nature and amount of the work done, and the particular piece or parcel of property chargeable therewith; which shall be countersigned by the controller, and entitle the holder or holders thereof to receive the amount that may be due thereon from the assessment for the doing of such work or making of such improvement, when the same is collected.

§ 42. No member of the board of public works, nor any person in the employ thereof, shall be interested, directly or indirectly, in any contract made and entered into with said board of public works, or in any contract for the materials to be furnished therefor; and all contracts made with said board, in which any member or officer of said board shall be so interested, shall, at the option of the city, be declared utterly void, and of no binding effect whatsoever; and any member or officer of said board interested in any contract shall thereby forfeit his office and be removed therefrom, on proof of such delinquency; and it is hereby made the duty of each member of said board of public works, and of the mayor, and of every officer of said city, to report to the common council any such delinquency, when discovered.

§ 43. If the mayor of said city, or any member of the board of public works, or any officer of said city, shall have reason to suspect that any member of said board, or any officer of said board, or officer of said city, is interested in any contract made or work done by said board, or that such member has been guilty of malfeasance in office, he shall forthwith report such fact to the common council, who shall, if they consider such charge probable, order a committee, to be appointed by them, from their body, to prefer allegations, in writing, against such member, before the judge of the circuit court for Cook county, in writing; and said judge shall, either in term time or in vacation, proceed to hear such allegations against such member of the board of public works, five days' notice having been given to such member, by service of a copy of such allegation; at which hearing witnesses may be produced, both for and against such allegations; and if the judge shall deem said allegations sustained, such member shall, on the report of such finding, by such judge, to the common council, shall be dismissed from office; and the common council shall proceed to fill such vacancy as is herein provided in cases of vacancy in such office. The judge of the circuit court, on the hearing of such allegations, may adjourn such hearing from time to time. No member of said board of public works shall perform any duties as a member of said board while such allegations are pending against him.

Members of board  
forbidden to  
have interest in  
contracts.

§ 44. All supplies of materials or necessities, of any kind, exceeding in amount the sum of two hundred dollars, shall be purchased by said board of public works, by con-

tract with the lowest responsible bidder, as is provided for the making of contracts for the doing of work.

Record of business,

§ 45. All proceedings had by said board of public works, in relation to the opening or closing of any street, alley, lane, highway, slip or canal, or for the widening of the Chicago river or any of its branches, shall be recorded by said board in a book or books kept for that purpose.

§ 46. Said commissioners of the board of public works, in making an assessment, are hereby authorized to assess the property by them deemed benefited by such public improvement to an amount sufficient to cover the expense of such improvement.

Special fund for improvements.

§ 47. All moneys received on any assessment made by the board of public works shall be held by the treasurer of the city of Chicago, as a special fund, to be applied to the payment of the improvement for which the assessment was made; and the certificate of the board of public works to the contractor doing such work shall specify the work done or improvement made; and the draft made by the city controller on the treasurer shall specify the same; and said money shall be used for no other purpose whatsoever than for the payment for such improvement.

#### HYDRAULIC AND SEWERAGE WORKS.

§ 48. That so much of the act entitled "An act to incorporate the Chicago City Hydraulic Company," approved February 11th, A. D. 1851, and the several acts amendatory thereto, as provides, in any manner, for the election or appointment of the board of water commissioners for the city of Chicago, be and the same is hereby repealed.

§ 49. That so much of the act entitled "An act to incorporate the board of sewerage commissioners for the city of Chicago," approved February 14th, A. D. 1855, as provides for the appointment or election of a board of sewerage commissioners, be and the same is hereby repealed.

§ 50. Immediately upon the organization of the board of public works, as provided in this act, the respective offices of "water commissioners" and "sewerage commissioners," for the city of Chicago shall be totally abolished; and all powers of said two boards, heretofore granted by law, except as herein provided, are hereby vested in said board of public works; and which said board is hereby made, respectively, the board of water and the board of sewerage commissioners; the true intent and meaning of this act being to abolish the Board of Sewerage Commissioners and the Chicago City Hydraulic Company, as distinct corporations, and to vest all the powers conferred by said acts of incorporation, and the acts amendatory thereof, in the aforesaid board of public works, except as herein specified.

Offices of water commissioners and sewerage commissioners abolished.



§ 51. All moneys now in the hands of said "water commissioners" and "sewerage commissioners," their respective treasurers, other officers or employees, belonging to the hydraulic works or sewerage funds, shall be forthwith paid over to the city treasurer, to the credit of the respective funds to which they belong, and receipts therefor shall be filed with the city controller and said board of public works; and all moneys hereafter collected or arising from loans, taxes, assessments, sale of materials, or any source whatsoever, for the use of said sewerage and hydraulic works, shall be in like manner paid into the city treasury. All moneys hereafter to be paid by said board of public works, on account of the sewerage or hydraulic works, shall be paid by the certificate of the board of public works to the city controller, and by his draft on the city treasurer.

Moneys now on hand.

§ 52. All accounts pertaining to the sewerage works of said city, and all accounts pertaining to the hydraulic works of said city, shall be kept in separate books of account; and all moneys deposited with the city treasurer, on account of said works, shall be by him kept separate and distinct from all other moneys, 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 of Chicago, as a special fund, separate and distinct from all other funds, and he shall be deemed guilty of embezzlement if he shall pay out such moneys for any account other than that to which such funds or moneys may belong, and shall be liable to indictment for so doing.

Separate acc'ts.

§ 53. Said board of public works shall receive and collect all water rents, water taxes or assessments, and sewerage permits and licenses, the same as is now done by said board of water commissioners and sewerage commissioners respectively; and they shall report to the city treasurer, once in each month, all moneys so received by them, and at the same time pay over to such city treasurer all such moneys, with a statement of the same; to which account the same belongs; and shall receive his receipt for all moneys so paid over.

Collection of water rents, etc.

§ 54. All books, papers, instruments, tools, office fixtures, buildings, machinery, maps, charts, drawings and property, of what kind or nature soever, in the possession of the said boards of water and sewerage commissioners respectively, or either of them, their subordinates or employees, shall, at the time of the organization of the board of public works as aforesaid, be immediately handed over to the said board; and it shall be the duty of said board to make correct inventories of all of said property, and file the same in the office of the city controller, and a duplicate thereof in the office of said board of public works.

§ 55. All bonds, contracts, agreements or obligations, of what kind or nature soever, heretofore authorized to be ex-

Completion of contracts.

cented by said board of sewerage commissioners, or water commissioners, and by them or either of them entered into, shall be carried out and completed, and complied with by said board of public works. All contracts hereafter entered into by said board on account of the sewerage or water works of said city shall specify that they are for such works, and are to be paid out of the funds pertaining to such works.

§ 56. The office expenses, and the expenses for clerks, engineers and assistants, and the salaries of said commissioners of the board of public works, shall be a charge, and shall be paid share and share alike out of the funds pertaining to the general fund of said city and the funds pertaining to the water and sewerage works of said city; each of said funds to be charged one-third of said expense.

Contracts in special cases.

§ 57. Whenever the said board of public works shall deem it necessary for the interests of the city, and to protect the interests of the same from great loss and damage, they shall, on a report to the common council of such necessity, and of the reason for the same, have the right to ask from the council the power to enter into a contract, (specifying such contract,) without giving the notice in this act required to be given before letting a contract; and the common council are hereby authorized, on being satisfied of such necessity, may by resolution grant such power: *But, provided*, three-fourths of all the aldermen elected shall vote [in] favor of such resolution.

§ 58. The commissioners of said board of public works shall each receive an annual salary of twenty-five hundred dollars.

Annual report.

§ 59. The board of public works shall, at the first regular meeting of the common council, holden in the month of May, in each year, submit a statement, as near as may be, of the repairs and improvements to be paid for out of the general funds of the city, and necessary to be undertaken by said city during the current year, commencing on the first day of June next following the making of such statement, and of the sums by said board of public works required to make such repairs and improvements, as near as the same can be estimated; which report shall be in detail; and such estimate having been revised by the common council, the aggregate amount of the sums required after such revision shall be provided for in the general tax levy, to be laid on said city, and no expenditure for an improvement to be paid for out of the general fund of said city shall exceed in any one year the amount provided for such improvement in said general tax levy: *Provided, however*, nothing herein contained shall prevent the common council from ordering any improvement, the necessity for which is caused by any casualty or accident happening after the making of such annual estimate herein provided for. The common council may authorize the mayor and controller to issue bonds to

Issue of bonds.

pay the expense incurred in the making of any improvement, the need for which has arisen as is last above mentioned; said bonds to run for a term not longer than one year, and the payment of which said bonds shall be specially provided for in the next succeeding general tax levy. The said city shall not issue bonds, or any other evidence of indebtedness for any purpose whatever, except as is herein provided: *Provided, however*, nothing herein contained shall prevent the issue of any bonds now authorized to be issued by any law of this state, under the laws creating said boards of water commissioners and sewerage commissioners, or the acts amendatory thereto, or any acts relating to sewerage or supplying said city with water, but said board of public works are hereby expressly empowered to issue all such bonds as might have been issued by said board of water commissioners and said board of sewerage commissioners, respectively, if this act had not been passed.

§ 60. In the assessment of damages and benefits for the opening of any street or alley it shall be lawful for the commissioners in making such assessment, where part of the land to be laid out into such street or alley, has been theretofore donated by any person or persons, for such street or alley, to appraise the value of the land so donated, and to apply the value of the land so donated, as far as the amount so appraised shall go, as an offset to the benefits assessed against the person or persons making such donation, or those claiming under him; nothing herein contained shall authorize any person or persons, by whom such donation is made, to claim from the city the amount of such appraisal, except as an offset as herein provided.

Assessment of  
damages.

§ 61. The board of public works shall elect from their number a president and a treasurer, who shall hold their offices for the term of two years, and until their successors are elected and qualified, and they shall establish by-laws for the regulation and conduct of their officers and employees.

§ 62. The common council of said city 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 of any other matter by said council deemed necessary, and the controller of said city shall hereafter make the report, now required to be made in the month of February, in each year, on or before the first day of April in each year.

§ 63. Upon the petition of a majority of the owners of lots upon Michigan avenue, lying between Washington street and the north line of a short street running from Michigan avenue to Lake Michigan, on the north line of block twenty-three, (23,) in fractional section fifteen, (15,) addition to Chicago, it shall be lawful for the common council to increase the width of said avenue thirty-six feet, upon the east line thereof, from the north line of Randolph street to the north line of the short street running from Michigan avenue to

Widening of  
Michigan avenue



Lake Michigan, on the north line of block twenty-three, (23,) in fractional section fifteen, (15,) addition to Chicago, and secure the east line of the proposed increase of width by a substantial stone wall, so far as the same is necessary for this purpose. Said council shall grade the increased width aforesaid to a line of the present level of said street or avenue, and devote twenty feet of said width to the present road bed, graveling the same as the present road bed is graveled, and upon remaining sixteen feet of said increased width, construct and lay down a good and substantial stone sidewalk, and, upon the wall aforesaid, so far as the same is constructed, and upon a proper stone foundation, to be built, erect upon the same a good and substantial iron fence along the whole line aforesaid. The said common council, to defray the expense of said improvement, are hereby authorized to appoint, in the manner as provided in the charter, two or

Special assessors.

more special assessors to assess the cost of said improvement, or have the same assessed by the board of public works—two-thirds of which shall be assessed upon the blocks of land fronting upon Michigan avenue, and lying between Washington street and Twelfth street, and the remaining one-third shall be paid out of the treasury of the city.

§ 64. No encroachment shall be made upon the land or water west of a line mentioned in the second section of an ordinance concerning the Illinois Central Railroad (which line is “not less than four hundred feet east from the west line of Michigan avenue, and parallel thereto,”) by any railroad company; nor shall any cars, locomotives, engines, machines, or other things, belonging to any railroad or transportation company, be permitted to occupy the same; nor shall any cars or machinery be left standing upon said track fronting any part of Michigan avenue; nor shall the city council ever allow any encroachments west of the line above described. And any person, being the owner of or interested in any lot or part of a lot fronting on Michigan avenue, shall have the right to enjoin said company and all other persons and corporations from any violations of the provisions of this section or of said ordinance, and, by bill or petition, in chancery, in his or their own name, or otherwise, enforce the provisions of said ordinance and of this section, and recover such damages, for any such encroachments or violation, as the court shall deem just—the state of Illinois, by its canal commissioners, having declared that the public ground east of said lots should forever remain open and vacant. Neither the common council of the city of Chicago, nor any other authority, shall ever have the power to permit encroachments thereon, without the assent of all the persons owning lots or land on said street or avenue.

Railroad tracks.

§ 65. It is hereby made the duty of the mayor and controller of said city, on or before the first day of April, 1861, or as soon thereafter as may be, to make a statement

Negotiation of city bonds.

to the common council of said city of the amount of scrip and floating debt outstanding against said city; and they shall proceed to issue and negotiate the bonds of said city, payable, principal and interest, in New York, and bearing interest at a rate not exceeding seven per cent. per annum, and becoming due and payable on the first day of April, 1881, to an amount sufficient to satisfy and retire the scrip and floating indebtedness outstanding against said city, and with the proceeds of said bonds they shall proceed to pay and satisfy such scrip and floating indebtedness, which bonds shall be in the ordinary form of bonds of said city, and shall be issued in denominations of five hundred and a thousand dollars each, as the said mayor and controller may deem for the best interest of the city, and it is hereby made the duty of the common council of said city, at the time of the levying of the general tax in each year, to provide for the paying of the interest on the bonds issued under and in pursuance of this section; and they are hereby authorized to levy a tax sufficient to pay such interest semi-annually, in addition to the amounts which they are now authorized by law to levy and collect.

§ 66. In addition to the amount of the bonds herein authorized to be issued by the said city, the common council of said city, on the first Monday of May, 1861, or as soon thereafter as may be, may provide by ordinance for the issuing of the bonds of said city, payable, principal and interest, in New York city, to an amount not exceeding the sum of one hundred thousand dollars, bearing interest at a rate not exceeding seven per cent. per annum, payable semi-annually, and payable in ten years from their date, and to negotiate and sell said bonds, and to use the proceeds of said bonds when sold, in paying the general expenses of said city; and the common council of said city shall at the time of the levying of the annual tax levy on said city, provide for the paying of the interest on such bonds.

§ 66½. Digby V. Bell, Augustus H. Burley and Samuel Myers, are hereby appointed three commissioners to examine into the condition of the finances of said city, who shall report the result of their investigation to the common council of said city. The said commissioners, when appointed, shall have power to examine into all claims outstanding against said city, the condition of the accounts of said city and the accounts of said city heretofore audited and closed. The said commissioners shall have power to summon before them any and all officers of said city, or other persons, and shall also have power to require the production by any such officer of the books and vouchers or papers pertaining to his department. Said commissioners shall proceed to hear evidence in regard to any matter brought before them, and for this purpose they are hereby authorized to administer oaths to all persons appearing before

Commissioners to  
examine city  
finances.

them as witnesses, and they are hereby further authorized to commit to jail, as being in contempt, any person failing or refusing to appear before them to testify as to any matter when summoned so to do. All summonses to be issued by said commissioners, shall be issued in the name of the people of the state of Illinois. No claim or indebtedness now outstanding against said city shall be paid by said city out of the proceeds of the bonds by this act authorized to be issued, until the amount of such claim shall have been passed upon and reported to said council by said commissioners. At all hearings before said commissioners, the city attorney, or such other person as shall be appointed by said commissioners, shall appear on behalf of said city, and the parties presenting claims against said city, shall have the right to be heard by counsel or in person. The commissioners shall, in addition to passing on all claims presented before them, investigate the accounts of said city, and the books of account of said city. The commissioners shall each receive five dollars per day for each and every day, while engaged in such investigation. Any vacancy in said commission shall be filled by appointment of the governor; and in case said commissioners named in this act shall decline to accept the appointment, then said commissioners shall be appointed by the governor.

Controller's state  
ment.

§ 66 $\frac{3}{4}$ . In addition to the other duties of the controller of said city it is hereby made the duty of such controller, on or before the fifth day of each and every month, to make out a monthly statement, giving a full and detailed statement of all moneys received, and of whom and on what account received, and of all moneys ordered to be paid or drawn for by warrant by him (giving the name of the person in whose favor each order or warrant is drawn), and on what account the same has been paid for the month preceding the month in which such statement is made; and the said controller shall cause the said monthly statement to be published in the corporation newspaper of said city, before the seventh day of each month, and shall deliver a true copy of such statement to the said common council at the next meeting thereof, be the same a regular or special meeting; and on failure to comply with the provisions of this act he shall be removed from office by the common council of said city at any meeting thereof, unless he show reasonable excuse for such failure.

Vote upon the  
charter amend-  
ments.

§ 67. *Be it further enacted*, that the following amendments to the charter of the city of Chicago shall be submitted to the legal voters of said city at an election to be held at the usual places of holding election in the several wards of the city of Chicago on the third Tuesday of March, 1861, at which election every person voting in favor of said amendments shall deposit a ballot with the words "For the Amendments," and every person voting against said amendments



shall deposit a ballot with the words "Against the Amendments." If a majority of said ballots shall be for the amendments, then said amendments shall hereafter constitute a part of the charter of said city, and be in full force and virtue. The returns of said election shall be made to the city clerk, and be canvassed in the usual manner. It shall be the duty of the inspectors of election, in the several wards, to hold said election, but in case of their absence or neglect the voters present may elect the inspectors of said election, who shall appoint clerks, and conduct the election in the usual manner.

§ 68. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the corporate limits and jurisdiction of the city of Chicago shall be and the same are hereby so extended as to embrace and include within the same the several tracts of land hereinafter described, which shall be deemed parts of the divisions of said city, named in connection therewith, as follows :

Extension of city limits.

**SOUTH DIVISION.**—All those parts of sections twenty-nine (29,) thirty (30) and thirty-one, (31,) lying south and east of the South Branch of the Chicago river and of the Illinois and Michigan canal, and sections thirty-two, (32,) thirty-three, (33,) thirty-four, (34,) and fractional section thirty-five, (35,) all in township thirty-nine (39) north, range fourteen (14) east of the third principal meridian.

**WEST DIVISION.**—All those parts of section twenty-nine, (29,) thirty, (30,) and thirty-one, (31,) all in township thirty-nine (39) north, range fourteen (14) east of the third principal meridian, north and west of the Illinois and Michigan canal and of the South Branch of the Chicago river, and all of those parts of sections thirty, (30,) thirty-one, (31,) and thirty-two, (32,) in township forty (40) north, range fourteen (14) east of the third principal meridian, lying west of the North Branch of the Chicago river.

#### DIVISION OF WARDS.

§ 69. The said city, after the passage of this act, shall contain and be divided into twenty-three (23) wards, to be divided and designated and numbered as follows :

**FIRST WARD.**—All that portion of said city lying and being south of the Chicago river, and east of the South Branch of the Chicago river, and north of a line running east and west through the center of Washington street, shall be known and denominated as the First Ward of said city.

**SECOND WARD.**—All that portion of said city lying and being south of a line running east and west through the center of Washington street, and east of the South Branch of the Chicago river, and north of a line running east and west through the center of Adams street, shall be known and denominated as the Second Ward of said city.

**THIRD WARD.**—All that portion of said city lying and being south of a line running east and west through the center of Adams street, and east of the South Branch of the Chicago river, and north of a line running east and west through the center of Harrison street shall be known and denominated as the Third Ward of said city.

**FOURTH WARD.**—All that portion of said city lying and being south of a line running east and west through the center of Harrison street, and east of the South Branch of the Chicago river, and north of a line running east and west through the center of Twelfth street, shall be known and denominated as the Fourth Ward of said city.

**FIFTH WARD.**—All that portion of said city lying and being south of a line running east and west through the center of Twelfth street, and east of the South Branch of the Chicago river, and north of a line running east and west through the center of Old street, shall be known and denominated as the Fifth Ward of said city.

**SIXTH WARD.**—All that portion of said city lying and being east of the South Branch of the Chicago river and of a line running through the center of Dyer avenue, and south of a line running east and west through the center of Old street, north of a line running east and west through the center of Rio Grande street, shall be known and denominated as the Sixth Ward of said city.

**SEVENTH WARD.**—All that portion of said city lying and being south of a line running east and west through the center of Rio Grand street, and east of a line running north and south through the center of Dyer avenue, and north of the south line of township thirty-nine (39) north, range fourteen (14) east of the third principal meridian, shall be known and denominated as the Seventh Ward of said city.

**EIGHTH WARD.**—All that portion of said city lying and being west of a line running north and south through the center of Dyer avenue, and south of the South Branch of the Chicago river and Illinois and Michigan canal, and east of the west line and north of the south line of township thirty-nine (39) north, range fourteen (14) east of the third principal meridian, shall be known and denominated as the Eighth Ward of said city.

**NINTH WARD.**—All that portion of said city lying and being west of a line running north and south through the center of Rucker street, south of a line running east and west through the center of Twelfth street, east of the west line of township thirty-nine (39) north, range fourteen (14) east of the third principal meridian, and north of the Illinois and Michigan canal and the South Branch of the Chicago river, shall be known and denominated as the Ninth Ward of said city.

**TENTH WARD.**—All that portion of said city lying and being east of a line running north and south through the

center of Rucker street, and south of a line running east and west through the center of Twelfth street, and north and west of the South Branch of the Chicago river, shall be known and denominated as the Tenth ward of said city.

**ELEVENTH WARD.**—All that portion of said city lying and being north of a line running east and west through the center of Twelfth street, east of a line running north and south through the center of Morgan street, south of a line running east and west through the center of Harrison street or Hamilton avenue, and West of the South Branch of the Chicago river, shall be known and denominated as the Eleventh Ward of said city.

**TWELFTH WARD.**—All that portion of said city lying and being south of a line running east and west through the center of Harrison street or Hamilton avenue, west of a line running north and south through the center of Morgan street, north of a line running east and west through the center of Twelfth street, and east of the west line of township thirty-nine (39) north, range fourteen (14) east of the third principal meridian, shall be known and denominated as the Twelfth Ward of said city.

**THIRTEENTH WARD.**—All that portion of said city lying and being south of a line running east and west through the center of Madison street, west of a line running north and south through the center of Morgan street, north of a line running east and west through the center of Harrison street or Hamilton avenue, and east of the west line of township thirty-nine (39) north, range fourteen (14) east of the third principal meridian, shall be known and denominated as the Thirteenth Ward of said city.

**FOURTEENTH WARD.**—All that portion of said city lying and being south of a line running east and west through the center of Madison street, east of a line running north and south through the center of Morgan street, north of a line running east and west through the center of Harrison street or Hamilton avenue, and west of the South Branch of the Chicago river, shall be known and denominated as the Fourteenth Ward of said city.

**FIFTEENTH WARD.**—All that portion of said city lying and being south of a line running east and west through the center of Kinzie street, east of a line running north and south through the center of Morgan street, north of a line running east and west through the center of Madison street, and west of the north and south branches of the Chicago river, shall be known and denominated as the Fifteenth Ward of said city.

**SIXTEENTH WARD.**—All that portion of said city lying and being south of a line running east and west through the center of Kinzie street, west of a line running north and south through the center of Morgan street, north of a line running east and west through the center of Madison street,



east of the west line of township thirty-nine (39) north, range fourteen (14) east of the third principal meridian, shall be known and denominated as the Sixteenth Ward of said city.

**SEVENTEENTH WARD.**—All that portion of said city, beginning at the point of intersection of a line running east and west through the center of Kinzie street, and the west line of township thirty-nine (39) north, range fourteen (14) east of the third principal meridian, thence north on said township line to the intersection of the same with the North Branch of the Chicago river, thence south and east on the course of said river to the intersection of the same with a line running east and west through the center of Division street, thence west on said last mentioned line to a line running north and south through the center of Noble street, thence south on said last mentioned line to the intersection of the same with a line running east and west through the center of Kinzie street, thence west on said last mentioned line to the place of beginning, shall be known and denominated as the Seventeenth Ward of said city.

**EIGHTEENTH WARD.**—All that portion of said city lying and being south of a line running east and west through the center of Division street, north of a line running east and west through the center of Kinzie street, east of a line running north and south through the center of Noble street, and west and south of the North Branch of the Chicago river, and shall be known and denominated as the Eighteenth Ward of said city.

**NINETEENTH WARD.**—All that portion of said city lying and being south a line running east and west through the center of Division street, west of a line running north and south through the center of Franklin street, north of the Chicago river and east and north of the North Branch of the Chicago river, shall be known and denominated as the Nineteenth Ward of said city.

**TWENTIETH WARD.**—All that portion of said city lying and being south of a line running east and west through the center of Division street, east of a line running north and south through the center of Franklin street, north of the Chicago river and west of a line running north and south through the center of Dearborn street, shall be known and denominated as the Twentieth Ward of said city.

**TWENTY-FIRST WARD.**—All that portion of said city lying and being south of a line running east and west through the center of Division street, east of a line running north and south through the center of Dearborn street, and north of the Chicago river, shall be known and denominated as the Twenty-First Ward of said city.

**TWENTY-SECOND WARD.**—All that portion of said city lying and being north of a line running east and west through the center of Division street, and north and east of a line

running through the center of Claybourn avenue, to the intersection of the same with a line running north and south through the center of Larrabee street, and east of said last mentioned line, shall be known and denominated as the Twenty-Second Ward of said city.

**TWENTY-THIRD WARD.**—All that portion of said city lying and being north of a line running east and west through the center of Division street, and south and west of a line running through the center of Claybourn avenue from Division street to the intersection of the same with a line running north and south through the center of Larrabee street, and west of said last mentioned line and east of the North Branch of the Chicago river, shall be known and denominated as the twenty-Third Ward of said city.

§ 70. An election shall be held in each ward of the city of Chicago, at each regular city election, for one alderman to represent each ward in the common council. Aldermen.

§ 71. The aldermen, when so elected, shall form the common council of the city of Chicago; and they shall, from their number, at the first meeting after each election, elect a president, who shall preside at the meetings of the common council, and shall act as mayor of the city of Chicago, whenever the mayor of said city shall be disabled from acting, either by sickness or other casualty, or shall be absent from the city; and they shall, at the same time, elect a clerk for their body, who shall be the clerk of the city of Chicago, and shall perform the duties now performed by the clerk of said city, under and in pursuance of the laws to which this is an amendment.

#### OFFICERS—THEIR ELECTION AND APPOINTMENT.

§ 72. The municipal government of the city shall consist of the mayor, and a common council, composed of one alderman from each ward; the other officers of the corporation shall be as follows: a clerk, an attorney, a treasurer, a controller, a board of education, a board of health, one chief and a first and second assistant engineers of the fire department, a collector and one or more assistant collectors, a surveyor, one or more assessors, one or more harbor masters, one or more health officers, one or more market clerks, three inspectors of election for each ward, three commissioners of the board of public works, and as many firemen, fire wardens, constables, policemen, watchmen, sealers of weights and measures, inspector of measures, weighers, gaugers, sextons or keepers of burial grounds, keepers and assistants of almshouses, public buildings, hospitals, and bridewell or houses of correction, bellmen, common criers, scavengers, a clerk of the police court, and such other officers and agents as the common council may, from time to time, direct and appoint. City officers.

City elections.

§ 72½. An election shall be held biennially in each of the wards of said city on the third Tuesday of April, at such place or places as the common council may appoint, and of which six days' previous public notice shall be given in written or printed notices, in three public places in each ward, by the city clerk, the first election to be held in the year A. D. 1861.

officers.

§ 73. At the first annual election after the passage of this act, there shall be elected by the qualified voters of said city, a mayor, treasurer, collector, surveyor and chief and assistant engineers, and a clerk of the police court; and the person having the highest number of votes in the whole city, for either of such offices, shall be declared elected. At the same time, the electors, in their respective wards, shall elect one alderman, and the person receiving the highest number of votes cast in the ward for such office shall be declared elected.

Term of office

§ 74. The mayor, collector, treasurer, surveyor, chief and assistant engineers, clerk of the police court and aldermen, elected under this act, shall respectively hold their offices for the term of two years, and until the election and qualification of their successors respectively; and they shall enter upon the performance of the duties of their respective offices on the first Monday in May succeeding their election, or as soon thereafter as may be.

Qualification of voters.

§ 75. Hereafter no person shall be permitted to vote at any municipal election, unless he shall have been an actual resident of the ward in which he offers his vote, for thirty days (instead of ten days as is now provided by law,) immediately preceding such election.

Licenses.

§ 76. The city of Chicago shall charge and receive the sum of fifty dollars for a yearly license for the sale of spirituous, vinous and fermented liquors, and no more.

Fire department.

§ 77. The fire engines, horses, apparatus, and all things else belonging to the fire department of said city, shall be exempt from sale or seizure under execution or attachment.

§ 78. No person shall fire or discharge, within the city limits, any cannon, gun, fowling piece, pistol or fire-arms of any description, or fire, explode or set off any squib, rocket, cracker, or other thing containing powder or other combustible or explosive material, without permission from the mayor or common council. Nor shall any permission be given for the firing of any heavy ordinance, except on the north pier of the Chicago river, at least three hundred feet east of the most eastern warehouse or manufactory thereon.

Police court fees.

§ 79. The police court clerk shall pay over to the city treasurer, as often as once in each week, all constables', witnesses' and other fees and moneys that may come into his hands as such clerk, from any source or any purpose whatever; and at the close of each day's session of the court he shall report to the controller the names of all persons tried,



and the amount of all fines and the number of days sentenced to bridewell, and also of the names of all persons taken as sureties in any case, and also what cases are appealed, and to what court. And in his weekly report he shall certify to the controller the names of all persons entitled to witness fees, and the amount due to each one. And the controller shall draw his warrant on the treasurer to parties entitled to such fees: *Provided*, they demand the same within one week from the filing of the clerk's report; but after the expiration of the week, if no demand has been made, no fees shall be paid over, and no witness shall have any claim upon the city or any person for the same. The penalties for not complying with the provisions of this amendment shall be immediate removal from office, as already provided by the act to which this is an amendment.

§ 80. The common council shall have power to pass an ordinance regulating, by license or otherwise, all junk shops, or places for the sale or purchase of second hand goods, wares, merchandise or any other thing whatever, and also the sale of the various kinds of bitters, cordials and other drinks, which may be used to evade the license laws now in force. Licenses.

§ 81. The bonds of all officers who may be elected by the people, or appointed by the mayor, or mayor and common council, shall be filed with the city clerk, and shall be recorded in a book kept for that purpose. Official bonds.

§ 82. When the said city appeals from any court in this state to a higher court said city shall not be required to file or give an appeal bond.

§ 83. The common council shall have power to pass an ordinance authorizing the arrest, fine and imprisonment in the city bridewell, as vagrants, all persons who, not having visible means to maintain themselves, are without employment, idly loitering or rambling about, loitering or sleeping in public parks, or staying in groceries, drinking saloons, out houses, houses of ill fame, houses of bad repute, gambling houses, vessels, sheds or barns, in the open air, railroad depots, 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 streets or other thoroughfares, or in public places, to beg or receive alms; also keepers or exhibitors of any gaming table, gambling houses, 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 profess to be police men, without authority, and all persons upon whom shall be found any instrument for the commission of burglary, larceny, picking locks or pockets, or shall give their countenance to the idea they are policemen when they are not, or shall have in his possession any article or thing used for obtaining money under false pretenses, or who shall disturb any Arrest of va grants.

place where public or private schools are held, either on week day or Sabbath, or places where religious worship is held.

Reform school  
board.

§ 84. No member of the board of guardians of the reform school, or of the board of education, shall receive any compensation for any services he may perform, nor shall he be interested in any article purchased or work done for the school or schools, nor shall he be interested in any contract, loan, nor any thing else whereby he may receive any commission, interest, or other profits from the fund appropriated to the reform school or public schools, under the penalty of having his office immediately declared vacant by the common council. Nor shall the school agent receive any pay or commission from the school fund; and in case he shall pay the teachers in any other kind of funds than that which he received from the school commissioner he shall credit the full sum to the school fund; and the controller shall be, *ex officio*, school agent.

Eligibility to of-  
fice.

§ 85. No alderman or other city officer shall be taken as surety upon any bond, note or other obligation to the city. No person whilst indebted to the city shall be eligible to any office under the charter.

§ 86. In all cases where land is taken for any public improvement, before the damages (if any) awarded for the taking of the same shall be paid over to the owner of the same, the owner shall furnish an abstract of title and execute to the city a quit claim deed of so much as is taken and condemned for such public improvement. If in any case there shall be any doubt as to who is entitled to the damages for land taken in the opening or extension of a street the city may require of the party claiming the damages a bond, with good and sufficient securities, to be executed to the said city, to hold said city harmless from all costs and expenses in case any other person should claim said damages.

Firemen's benev-  
olent association

§ 87. Sections six, seven, eight and nine of an act approved 21st June, 1852, and entitled "An act to incorporate the Firemen's Benevolent Association, and for other purposes," and all other acts and parts of acts, so far as they require any individual association or corporation, or any agent thereof, to pay any money to said Firemen's Benevolent Association, upon their business profits or premiums, or for any other purpose, are hereby repealed. And there shall be paid to the collector of the city of Chicago, by every person who shall act in the city of Chicago as agent for or on behalf of any individual, corporation or association of individuals, not incorporated by the laws of this state, to effect insurance against loss or injury by fire in the city of Chicago, although such individual, corporation or association may be incorporated for that purpose by another state or country, the sum of two dollars upon the hundred dol-

lers, and at that rate, upon the amount of all premiums which during the year, or part of year, ending on the next preceding first day of December, shall have been received by such agent or person, or received by any other person for him, or shall have been agreed to be paid for any insurance effected, or agreed to be effected, or promised by him as such agent or otherwise, against loss or injury by fire in the city of Chicago. No person shall, in the city of Chicago, as agent or otherwise, for any individual, corporation or association, effect or agree to effect any insurance upon which the duty before mentioned is required to be paid, or as agent or otherwise, procure such insurance to be effected, until he shall have executed and delivered to the city of Chicago a bond, in the penal sum of one thousand dollars, with such sureties as the mayor and controller shall approve, with a condition that he will annually render to said city, on the first day of January in each and every year, a just and true account, verified by his oath, that the same is just and true, of all premiums which during the year ending on the first day of December preceding such report, shall have been received by him, or by any other person for him, or agreed to be paid for any insurance against loss or injury by fire in the city of Chicago, which shall have been effected from any individual or individuals, or association, not incorporated by the laws of this state, as aforesaid, and that he will annually, on the first day of January in each year, pay to the said treasurer the sum of two dollars upon every hundred dollars, and at that rate, upon the amount of such premiums. Every person who shall effect, agree to effect, promise or procure any insurance specified in this act, without having executed and delivered the bond required by the preceding section, shall, for each offense, forfeit the sum of one thousand dollars, which shall be collected in the name and for the use of the city of Chicago. It shall be the duty of the chief engineer, and of the assistant engineers, to seek out and to notify all individuals, corporations or associations embraced within the provisions of this act, who shall attempt to carry on the insurance business in this city, of their obligations to pay the sum herein provided for to the city treasurer, and they shall also notify the controller of all such individuals, corporations or associations; and upon all moneys received from this fund, the controller shall pay the chief engineer not to exceed five per cent., and each assistant not to exceed one per cent., in the discretion of the council. The common council shall have power, in its discretion, to appoint a fire marshal, and to appropriate out of the proceeds of this fund, not to exceed seven hundred and fifty dollars each year, for the discharge of the duties (which it may define) of that office, in order that as soon as any fire has broken out its causes, in every instance, may be reported to the controller and kept on file in his office, and also

Duty of the chief  
engineer.



that all violations of the fire ordinance may be the more expeditiously brought to the notice of the proper authorities.

§ 88. The city of Chicago may, by ordinance, regulate the sale of bread within the corporate limits of said city, and may prescribe the weight of bread in the loaf, and the quality of the same.

Places of voting.

§ 89. All general and special elections, hereafter to be held in the towns of north, south and west Chicago, in Cook county, shall be held in the respective wards in said towns, at such places as the common council may from time to time establish and appoint.

§ 90. So much of all such parts of the acts to which this is an amendment, and of the several acts amendatory thereof, or in any manner affecting the same, which are inconsistent with this act, are hereby repealed.

Lamp tax.

§ 91. The common council shall have the power to hereafter change the method of levying and collecting the lamp tax in said city, and to apportion the amount differently between city and the taxable property therein, and to collect it in and make it a part of the general tax warrant, the same as other authorized taxes. Also to define the manner in which the expenses of erecting lamp posts shall be apportioned and collected.

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

APPROVED February 18, 1861.

In force February  
20, 1861.

AN ACT to amend an act entitled "An act to define, confirm and legalize the acts of a fish inspector of the city of Chicago," approved February 18th, 1857.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That no fresh water fish, which shall be brought into this state, and which have been inspected in Milwaukee, in the state of Wisconsin, or Macinac, in the state of Michigan, and marked with the inspector's brand upon the packages, shall be required to be inspected under the provisions of said act. Any provision in the first and second section of said act, contrary to the provisions of this act, are hereby repealed.

This act is to take effect from its passage.

APPROVED February 20, 1861.

AN ACT to amend an act, approved February 20th, A. D. 1857, entitled "An act to amend the act entitled 'an act to reduce the law incorporating the city of Chicago and the several acts amendatory thereof into one act and to amend the same,'" approved February 14th, 1851. In force February 22, 1861.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, Each and all of the police magistrates and justices of the peace and the clerk of the police court, within and for the city of Chicago, are hereby authorized and empowered to amend all records by them or either of them made, in all cases where males, within the ages prescribed by law, have been brought before them charged with an offense punishable by commitment to the reform school, and when such person or persons have been there committed. And all such orders, records and minutes of each police magistrate, justice of the peace or clerk are hereby declared to be good, sufficient, valid and binding in law, and sufficient to warrant the commitment: *Provided*, sufficient appear in the order, minute or records that it was the opinion and order of such court that such person should be committed to the reform school. Amendment of records.

§ 2. Certified copies of all such orders or records shall be the only proper evidence in all courts where the existence or sufficiency of such records are called in question, whether original or amended. Commitment to reform school.

§ 3. In all cases where the legality of any commitment to the reform school is called in question, such commitment shall be deemed legal and valid: *Provided*, the warrant of commitment shall, upon its face, show a legal cause of commitment; and in all cases, whether upon *habeas corpus* or otherwise, the court before which such cause is pending shall only examine into the sufficiency of the warrant.

§ 4. In all applications for *habeas corpus*, to take from the control of the guardians, superintendent or other officer of said reform school any male, within the ages prescribed by law, such person, or some one on his behalf, shall first pay to the court or judge to which application is made the legal costs of such application. Application for habeas corpus.

§ 5. It shall be the duty of the mayor of the city of Chicago, each year, on the application of the board of guardians of said reform school, to appoint some proper and discreet person, to be named by said guardians, as commissioner, before whom all males, within the ages prescribed by law, shall be sent, before any police magistrate or justice of the peace shall sentence or order such male to be committed to the reform school. Such commissioner shall keep a true and perfect record of his doings in relation to all persons brought before him, and shall retain the same during his term of office, and at the expiration thereof shall deliver the same, with all preceding records, to his successor; and shall be paid such sum from the reform school fund as the board of guardians shall, from time to time, direct, and Reform school commissioners.

which shall not, in the aggregate, amount to more than the sum of fifteen hundred dollars in any one year.

Vagrants.

§ 6. Whenever any police magistrate or justice of the peace, within the city of Chicago, shall have brought before him any male, within the ages of six and seventeen years of age, which he has reason to believe is a vagrant or destitute of proper parental care, wandering about the streets, or committing mischief, or growing up in mendicancy, ignorance, idleness and vice, he shall cause such person, together with the warrant on which he is arrested, and the list of witnesses which may be necessary to establish the situation and condition of such person, to be transmitted to said commissioner; and thereupon it shall be the duty of such commissioner, before whom such person is brought, to issue a summons or order, in writing, addressed to the father of such person, if he be living and resident within the city, and if not then to his mother, if she be living and so resident, and if not then addressed to his lawful guardian, if any there be resident within said city, or if not, to the person with whom such boy, according to the examination and testimony, if any, received by such commissioner, the said boy shall reside; and if there be no person with whom he statedly resides the commissioner may, at his discretion, appoint some suitable person to act in his behalf, requiring him or her, as the case may be, to appear before him, at such time and place as he shall in said summons or order appoint, and to show cause, if any there be, why the said boy shall not be committed to the reform school; and upon the appearance before him of the party named in said summons or order, or, if after due service had of the summons or order aforesaid, there shall be no such appearance, the said commissioner shall, upon the expiration of the time named in said summons or order for said appearance, proceed to examine said boy and the party appearing in answer to said summons or order, if any such there be, and to take such testimony in relation to the case as may be produced before him; and, in case it shall be proved, to the satisfaction of the commissioner, by such examination or by competent testimony, that the said boy is a suitable subject for the reform school, and that his moral welfare and the good of society require that he should be sent to said school, for instruction, employment and reformation, he shall so decide, and shall thereupon certify his said opinion and decision to said magistrate or justice of the peace, as near as may be in the following words:

Manner of committing to reform school.

*"To A. B., a Justice of the Peace:*

"I hereby certify that ..... has been examined by me, and, upon competent evidence, proved to be a suitable subject for commitment to the reform school.

*"C. D., Commissioner."*



And the finding said fact by said commissioner, and his decision thereon, shall not thereafter, in any case, be revised by any tribunal or court. And thereupon said magistrate or justice of the peace shall commit such person to the reform school, and such commitment shall be by warrant, in substance as follows :

*"To any sheriff, constable or police officer, within the city of Chicago :*

*"You are hereby commanded to take charge of ..... , a boy above the age of six and under the age of seventeen years, who has been found, by competent evidence, to be a suitable subject for commitment to the reform school within this city, and a proper object for its care, discipline and instruction, and to deliver said boy, with this warrant, without delay, to the superintendent or other officer in charge of said school at the place where the same is established. And for so doing this shall be your sufficient warrant.*

*Justice's warrant.*

*"Dated in the city of Chicago, in the county of Cook, this ..... day of ..... , A. D. 18 .*

*"..... , J. P."*

But no variance from the preceding form shall be deemed material, provided it sufficiently appear, upon the face of the warrant, that the said boy is committed in the exercise of the powers given by this act or the one to which it is an amendment. And in case said commissioner shall be of opinion and shall decide that such boy is not a proper subject for commitment to the reform school, he shall order such boy, with the warrant, &c., to be transmitted back to such police magistrate or justice of the peace, who shall thereupon deal with him in the same manner he would have done had he not been transmitted to or examined by said commissioner ; and said commissioner shall, in the performance of his duties under and by virtue of this act, be clothed with all the powers justices of the peace are, to compel the attendance of witnesses and all other persons whose attendance and presence may be necessary to enable him to fully investigate the situation of all persons who may be brought before him ; and the police officers and constables of said city shall be subject to his direction, and shall serve, when called upon for that purpose, any summons, order or warrant he may be directed, and shall receive for such service the same compensation he is allowed for serving criminal process in justices' courts.

§ 7. The board of guardians of said reform school are hereby authorized and empowered, in their discretion, to establish a branch reform school, for girls under the age of sixteen and over the age of six years ; and, for that purpose, to purchase such lands and erect such buildings as in their judgment are required ; and such girls may, for the same causes, and by the same courts, and in the same manner be sentenced and committed to said branch reform school that boys may be to the reform school ; and all ordinances of said city and statutes of this state, relative to the power, management and control of said reform school, by the board of guardians, are hereby made applicable to said branch

*Reform school for girls.*

reform school; and the same powers are delegated to and vested in them, in relation to the same; and all ordinances and statutes regulating the powers and duties of police magistrates, justices of the peace and other courts, and of the commissioner, shall, in all respects, be made applicable to girls under the age of sixteen years and over the age of six years, where they are found to be vagrant or destitute of proper parental care, wandering about the streets, committing mischief, or leading a vicious life, or are found in the streets, highways or public places, in circumstances of want, or suffering, or neglect, or exposure.

§ 8. Neither this act nor the one to which it is an amendment shall be affected by the repeal or amendment of the act incorporating the city of Chicago, unless there is some clause expressly repealing or amending the same.

§ 9. This act shall be deemed a public act and shall take effect from its passage.

APPROVED February 22, 1861.

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In force February 22, 1861. AN ACT to amend "An act to incorporate a company for the improvement, by Canals and Harbors, of the east part of Kinzie's addition to the City of Chicago," approved February 12th, 1857.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the Chicago Dock and Canal Company may make, have and use a common seal, and the same to alter and renew at pleasure.

Chicago dock and canal company.

§ 2. The seventh (7th) section of the act incorporating said company is hereby amended, by striking out the words "in case of public highways," at the end of said section, and adding, instead thereof, the following words, viz: "In an act to amend the laws condemning right of way for purposes of internal improvements, approved June 22, 1852, and the amendments thereto; and the final decision or award shall vest in the said Chicago Dock and Canal Company all the rights, franchises and immunities in said act contemplated and provided."

Erection of buildings, &c.

§ 3. The said company may erect buildings and machinery, and otherwise improve and use their said property, in such manner and to such an extent as the directors of said company may deem necessary or advisable for the best interests of said company.

Borrowing of money.

§ 4. The said company, to aid them in executing the provisions of their charter, shall have power to borrow money, from time to time, on the credit of the company, payable at such time or times, place or places, as they may deem

proper, at any rate of interest, not exceeding ten per cent. per annum, payable annually or semi-annually; and may execute a bond or bonds therefor, with or without interest coupons thereto annexed, and may secure the payment of the same by a mortgage or mortgages, or by a deed or deeds of trust on the whole or any part of the lands, lots, canals, basins, property or income of the company, then existing or thereafter to be acquired.

§ 5. The board of directors of said company may, from time to time, in their discretion, sell all or any part of their lands, lots, canals, basins and other property, and may convey the same by deed or deeds, to be executed by their president and secretary, under the seal of said company, for such consideration as the said board may deem proper. Sale of lands.

§ 6. If the annual meeting of the stockholders for the election of the officers of said company shall not be held according to the provisions of the second section of the act of incorporation the said corporation shall not thereby be dissolved, but the officers of said company shall continue in office until a new election, which shall be held at such time and place as the said officers shall, by not less than twenty days' published notice, prescribe; and it may be lawful for the meetings of stockholders, officers or directors of said company, to be held within or without this state, at such time and place as they may, from time to time, order and determine upon. Annual meeting.

APPROVED February 22, 1861.

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AN ACT to charter of the City of Champaign.

In force February  
21, 1861.

## ARTICLE 1.

### BOUNDARIES, GENERAL POWERS AND FORMATION OF WARDS.

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

Corporate name  
and  
general  
powers.

§ 2. The boundaries of said city shall include within their limits all within the following boundaries: Commencing at the center of section number eighteen, (18,) township number nineteen north, of range No. nine (9) east, in Champaign county, state of Illinois, and running thence, due north, to the center of section number seven,

City limits.



(7,) same township and range, aforesaid; thence, west, to the center of section number twelve, (12,) township number nineteen (19) north, range number eight (8) east, aforesaid; thence, south, to the center of section number thirteen, (13,) same township and range, last aforesaid; thence, east, to the place of beginning. Said boundaries shall also include within their limits all the tracts of land outside of and adjoining the above described boundaries, which have been laid off into town lots and recorded according to law.

Out lots.

§ 3. Whenever any tract of land, adjoining the city of Champaign, 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 Champaign.

General corporate powers.

§ 4. The inhabitants of said city, by the name and style aforesaid, shall have power to sue and be sued, to plead and be impleaded, 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, 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.

Wards of the city.

§ 5. The city of Champaign 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 free white male inhabitants. The city council may create additional wards, as occasion may require, and fix the boundaries thereof.

## ARTICLE II.

### OFFICERS, THEIR ELECTION AND APPOINTMENT.

City council and city officers.

§ 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 assessor and collector, a city surveyor and engineer, and a city supervisor, 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 to perform such duties as may be prescribed by ordinance.

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 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: *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.

§ 3. The several wards of 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 meeting of the city council after the annual election in April next, the aldermen shall be divided, by lot, into two classes, consisting of one alderman from each ward. 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: *Provided*, that the present aldermen of the city, whose term of office do not expire at that time, shall be placed in the first class, and no election shall be held to supply their places.

§ 4. If, from any cause, there shall not be a quorum of Vacancies of aldermen. 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 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.

§ 5. Any officer, elected or appointed to any office, may Removals 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 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 city council may declare the office vacated: *Provided*, this section shall not be deemed to apply to any officer appointed by the city coun-

cil. 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.

Vacancies filled  
by election and  
appointment.

§ 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; but no special election shall be held to fill vacancies if more than nine months of the time has expired.

Qualification of  
voters.

§ 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 the city shall become a defaulter, whilst in office, the office or place shall thereupon become vacant.

Tie in election.

§ 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.

Annual elections.

§ 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 April, in each year, at such places as the city 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, by the city clerk.

Manner of holding elections.

§ 2. The manner of conducting and voting at the elections held under this act and contesting the same, the keeping the poll lists, 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 city council shall have power to regulate elections and the appointment of the 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 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.

§ 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 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 state one year and a resident of this city six months immediately preceding this election, and am now and have been for the last ten days past a resident of this ward, and 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.

Qualifications of voters.

§ 4. No election shall be held in any grog shop or other place where intoxicating liquors are vended by retail.

§ 5. The persons entitled to vote at any election held under this act, shall not be arrested in 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.

Punishment for illegal voting.

#### ARTICLE IV.

##### POWERS AND DUTIES OF OFFICERS.

§ 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.

Official oath.

§ 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 the city, and that all other officers of the city discharge their respective duties. 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.

Enforcement of laws.

§ 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 any person who shall not obey such call shall forfeit to said city a fine of not less than five dollars.

§ 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.

Neglect of duty.

§ 5. He shall be liable to indictment, in the circuit court of Champaign 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 a part of the judgment, that he be removed from office.

§ 6. He shall receive such salary as may be fixed by ordinance, not exceeding five hundred dollars per annum.

Mode of enacting 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 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 city 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 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.

§ 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 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 mayor, until the mayor shall resume his office or the vacancy shall be filled by a new election.

Acting mayor.

§ 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 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 of 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 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.

Duties of city clerk.

§ 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 city council or its committees: *Provided, however*, that the office of city attorney and city clerk 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 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 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.

Duties of city 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 moneys, fines or otherwise. He shall possess the powers and authority of a constable at common law and under the statutes of this state, and receive like fees, but shall not serve 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.

City engineer.

§ 14. 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 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 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 and collector.

§ 15. 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 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 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 or 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 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 city council.

§ 17. 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 specifically 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 Cham-

Official bond.

paign, 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.

§ 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.

Custody of official books and records.

§ 19. 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.

Commissions of officers.

## ARTICLE V.

### POWERS OF THE CITY COUNCIL AND DUTIES.

§ 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 persons elected aldermen, shall constitute a quorum.

Meetings of the city council.

§ 2. The members of the city council shall receive such compensation for their services as the city council may 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 coun-

Compensation of members of city council.

cil 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 be, directly or indirectly, interested in any contract, the expense or 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.

Monthly 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 places of abode. That said city of Champaign 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 is a majority in favor of issuing bonds then it shall be lawful for the corporation, acting through the proper officer, to issue bonds. 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.

Financial affairs.

§ 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 jurisdiction of the city, by ordinance:

*First:* 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 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 more than ten per cent. below par value; and when so issued and negotiated, the interest on the same shall not exceed eight per cent. per annum. The appropriations of the city council for 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 carrying on of the public works of the city, or to the contingent fund for the contingent expenses of the city.

Payment of city debt.



*Second:* To appropriate money and provide for the payment of the debts and expenses of the city.

*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.

*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. 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. Supplies of water

*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 and 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 and 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. Sewers, bridges, etc.

*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, direct and control the laying and repairing the gas pipes and gas fixtures in the streets, alleys and sidewalks. Lighting of city.

*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 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.

*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 or public grounds.

*Eleventh:* To erect and establish one or more hospitals or dispensaries, and control and regulate the same.

Obstruction of  
streets and side-  
walks.

*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.

Issuing of licenses

*Thirteenth:* To license, tax and regulate merchants, commission merchants, inn keepers, brokers, money brokers, insurance brokers, and auctioneers; and to impose duties on 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 stages, cars and public houses.

Billiard tables  
and disorderly  
houses.

*Fifteenth:* 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, 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 gaming.

*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 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.

Sale of Liquors.

*Seventeenth:* To restrain, regulate and prohibit the selling or giving away of any intoxicating or malt liquors, by any person, within the city, except by persons duly licensed; to forbid and punish the selling or giving away of any intoxicating or malt liquors to any minor, apprentice or servant, without the consent of the parent, guardian, master or mistress.

Marketing.

*Eighteenth:* To prevent, restrain and punish forestalling and regrating; to regulate the inspecting 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.

*Nineteenth:* To regulate, license and prohibit butchers, and to revoke their licenses for malconduct in the course of trade.

*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 sealer, 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 inspecting and measuring of lumber, shingles, timber, 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.

Lumber and shingles.

*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.

*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.

Inspection of beef, etc.

*Twenty-fourth:* To regulate the weight and quality of bread, to be sold or used within the city.

*Twenty-fifth:* To regulate the size and quality of bricks, to be sold or used within the city, and the inspection thereof.

*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, rout, affray, noise, disturbance or disorderly assembly, in any public or private place within the city.

*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

Horse racing and immoderate driving.



horses or other animals, attached to vehicles, or otherwise, while standing or remaining in the streets.

*Twenty-ninth:* To restrain and punish vagrants, mendicant, street beggars and prostitutes.

Running at large  
of stock.

*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 on the owners thereof for the 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.

*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 and sidewalks, by auctioneers and others, for the purpose of business, amusement or otherwise.

Nuisance

*Thirty-second:* To abate all nuisances which may injure or affect the public health or comfort, in any manner they may deem expedient.

*Thirty-third:* To do all acts and make all regulations which may be necessary or expedient for the promotion of health and the suppression of disease.

*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 and convenience of the inhabitants.

*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 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 and  
burial grounds.

*Thirty-sixth:* To regulate the burial of the dead; to establish or regulate one or more cemeteries; to regulate the registration of births and deaths; to direct the returning and keeping of bills of mortality; and to impose penalties on physicians and sextons and others, for any default in the premises.

*Thirty-seventh:* To provide for the taking an enumeration of the inhabitants of the city.

*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 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 Champaign, 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, breach of any ordinance of the city, may, instead of being committed to the county jail of Champaign county, be kept therein, subject to labor and confinement. Workhouse.

*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, wandering about the streets, committing mischief and growing up in mendicancy, ignorance, idleness and vice.

*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. Sew'rs and drains

*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 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, when 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, or collecting pay for storage. Railroad tracks, 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 By-laws and police regulations.

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.

Fines and penalties.

#### ARTICLE VI.

##### OF TAXATION.

§ 1. The city council shall have power, within the city, by ordinance:

Collection of taxes.

*First:* 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.

School tax.

*Second:* To annually levy and collect a school tax, not exceeding five mills on the dollar, on all property taxable for state purposes, for purchasing ground for school houses, building and repairing school houses, and supporting and maintaining schools.

*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 meet the payment of the interest accruing thereon when payable.

Erection of city hall.

*Fourth:* To annually levy and collect taxes on all property subject to taxation, when required for the erection of a city hall, markets, hospitals, city prison or work house; the purchase of market grounds, public squares or parks, or any other public improvements: *Provided*, the estimated



cost of a city hall, 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 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.

*Fifth:* 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 posts 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. Lighting streets.

*Sixth:* To require, 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, pay, in lieu thereof, two dollars: *Provided*, the same shall be paid within ten days after notification by the supervisor. 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.

§ 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 and highways, or public squares, or ground 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. Streets and alleys.

§ 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 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.

Decision of commissioners.

§ 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.

Removal of 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 of commissioners' decision.

§ 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 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 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 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.

§ 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 may derive from such improvements. In the estimate of 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.

§ 8. If the damage to any person be greater than the Amount of damages. benefits received, or if the benefit 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 of or paid to them.

§ 9. If the lands and buildings belong to different persons, or if the land be subject to lease or mortgage, the injury done to such persons, respectively, may be awarded to them by the commissioners, less the benefits resulting to them, respectively, from the improvements.

§ 10. Having ascertained the damages and expenses of such improvement, as aforesaid, the commissioners shall thereupon apportion and assess the same, together with the 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 assessments may be made, when completed. The commissioners shall sign and return the same to the city council, within thirty days of their assessment.

§ 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 person interested. Objections shall be heard before the city coun- Removal of commissioners.



cil ; 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 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 like duties and have like power, in relation to any subsequent determination, as are herein given in relation to the first.

Publication  
notice.

§ 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.

§ 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 streets, alleys or other highways or public grounds may be made and opened.

Lands of non-  
residents.

§ 14. 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 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.

§ 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 received, 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 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 Champaign 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 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 opened to investigation by affidavit or oral testimony adduced to the courts, or, upon application of the city or any party, the amount of 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 this act. Appeals.

§ 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 persons 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. Owners to pay the assessments, instead of tenants.

§ 18. 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 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 injury, upon persons or real estate benefited by the improvement, and in all such other respects as experience may suggest.

§ 19. Where 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 Champaign 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 Infants interested in property.

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.

Grading and § 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.

*Second* : To cause cross and sidewalks, main drains and sewers, and provide drains to be constructed and laid, re-laid, 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* : 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 city taxes, or in such manner as may be prescribed by ordinance, for the purpose of grading, paving or planking such streets or other highway : *Provided*, that such tax shall not exceed five mills per annum of the value of the property assessed.

Drainage. § 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 and drains, having reference to a general plan of drainage, by sewers and drains, for the whole city, and number and record the same.

Tax for draining. § 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 district, 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 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 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.

§ 4. All owners or occupants of lots or lands, 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 sidewalk, or make, repair 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 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, repaired, relaid, cleansed, filled up, graded, drained or otherwise improved, and assess the expense 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 or occupant of such premises for the recovery of such expenses, as for money paid and laid out to his use, at his request.

§ 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.

Removal of nuisances.

§ 6. The city council shall have power to compel the owners of lots or ground 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.

## ARTICLE IX.

### COLLECTION OF TAXES AND ASSESSMENTS.

§ 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 re-

Assessment lists

vising, altering or adding to the lists, as they may deem proper and expedient.

§ 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 hearing objections thereto; and the clerk 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.

Correction of assessment lists.

§ 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 per centage, 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 to be lien on property.

§ 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 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 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 upon the real estate for the period of two years from and after the final disposition of such injunction or other judicial proceeding.

Clerk's tax 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 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.

§ 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 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 interests 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 lists shall, in all cases, be evidence on the part of the city corporation.

§ 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 liability, 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 collectors by ordinance.

Collector's duties.

§ 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 journals or record, 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 warrant, shall constitute the process upon which such sale may be made.

Nonpayment of taxes.

§ 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



sale, and shall be published at least four times. The proceedings may be stopped, at any time, on the payment of the taxes or assessment and interest, with expenses of advertising.

Tax sales.

§ 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, 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 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 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 public inspection at all reasonable times.

Right of redemption.

§ 11. 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 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 said 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.

Tax deed.

§ 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.

§ 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 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 sales.

§ 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 controversies and suits in relation to the rights of the purchaser, his heirs or assigns, to the premises thereby conveyed, of the following facts :

Deeds and conveyances.

*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 at any time before the sale.

*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 :

*First:* That the land or lot was advertised for sale for the length of time and in the manner required by law.

*Second:* That the land was sold for taxes or assessments, as stated in the deed.

*Third:* That the grantor in the deed was the purchaser.

*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 or 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 persons under whom he claims title, as aforesaid.

Mode of conducting sale.

## ARTICLE X.

### FIRE DEPARTMENT.

§ 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

Erection of wooden buildings

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:

Chimneys  
flues. and

*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, 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, 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 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 their premises.

*Fifth:* To regulate and prevent the carrying on of manufactories and works dangerous in promoting or causing fires.

*Sixth:* To regulate, prevent and prohibit the use of fire-works and firearms.

Storing of gun-  
powder.

*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.

*Eighth:* To regulate and prescribe the manner and order the building of parapet and partition walls and of partition fences.

*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.



*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.

*Eleventh:* And, generally, to establish such regulations for the prevention and extinguishment of fires as the city council may deem expedient.

§ 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,

Fire engines and fire companies.

*First:* To organize fire, hook, hose, ax and ladder companies.

*Second:* To appoint, during their pleasure, a competent number of able 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 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.

*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.

§ 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 this section shall be the certificate of the clerk, under the corporate seal, for the year in which exemption is claimed.

Exemption from jury service.

## ARTICLE XI.

### MISCELLANEOUS PROVISIONS.

§ 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 whence the former are derived, and the mode of dis-

Annual report of receipts and expenditures.

bursement, 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 Champaign 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.

Road labor.

§ 3. The supervisor shall demand the services of all persons, who are required to labor on 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 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 partly 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 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 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, the collector shall collect from 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.

Names of streets.

§ 4. The city council shall have power to establish, make and declare the boundaries and names of streets and alleys.

§ 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 to the city.

§ 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 blocks or lots, 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.

§ 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 districts 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.

Duty of supervisor, and punishment for neglect

§ 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 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.

§ 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.

Reconsidering 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 three days 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 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.

§ 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 under it.

Manner of bringing suits.

§ 13. In all prosecutions for the 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.

§ 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 Champaign, 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 dis-



cretion 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 execution for the recovery of any fine, penalty or forfeiture, when collected, shall be paid into the city treasury.

§ 15. No person shall be an incompetent judge, justice, witnesses or juror, by reason of his being an inhabitant or freeholder in the city of Champaign, in any action or proceeding in which said city may be a party in interest.

Former laws in force.

§ 16. All ordinances, regulations and resolutions, now in force in the city of Champaign, 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 said ordinances, regulations and resolutions, and all acts, proceedings, matters and things, of any and every name and notice, [nature] whatsoever, done or provided to be done by the city council of the city of Champaign, before this act shall take effect, are hereby made and declared to be valid.

Property of corporation.

§ 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 prosecuted by the corporation hereby created.

§ 18. All property, real, personal or mixed, belonging to the city of Champaign, 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.

§ 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.

§ 20. The style of all ordinances shall be, "*Be it ordained by the city council of the city of Champaign.*"

Additions.

§ 21. Any tract of land, adjoining such 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 said city and form a part thereof.

§ 22. This act shall not invalidate any legal act done by the city council of the city of Champaign 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.

Disturbance of the peace

§ 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 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.

§ 24. There shall be a digest of the ordinances of the city, which are of a [public] nature, published within five years after the passage of this act, and a like digest within every period of five years thereafter. 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.

§ 26. This act shall not take effect, as the charter of the city of Champaign, 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 last Monday in the month of March, A.D. 1861, as other elections are now held in said city, upon notice, to be given by the clerk or attorney of the present board. Said notices to be posted up in five public places in said city. The returns of said election, held as aforesaid, shall be certified by the officers of the election and placed on file in the office of the circuit clerk of the county of Champaign, Illinois. And it shall not be necessary, in any proceeding, either at law or in equity, to prove that this charter was adopted by the people; but such proof shall be a matter of defense, in showing that this charter was not adopted by a vote of the people, by reference to the returns of the election, as in this section provided for. Vote upon the charter.

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

APPROVED February 21, 1861.

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AN ACT to incorporate the City of Carlyle.

In force February  
22, 1861.

## ARTICLE FIRST.

### 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 Carlyle, in Clinton county, be and are hereby constituted a body politic and corporate, by the name and style of "The City of Carlyle," 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.

City limits.

§ 2. All that territory embraced in the following limits, to-wit: commencing at the northeast corner of the present limits of said town, thence, due north, on a straight line with the eastern line of said town, to a point east or on the north line of Breese's addition; thence, west, on the north line of the aforesaid Breese's addition, to the northwest corner of said addition; thence, north, to the southeast corner of a tract of land, known and belonging [to] Earskin, Gore, Ridgeway and Company, being the east half of the northeast quarter of section thirteen, two north, three (3) west of the third principal meridian; thence, west, on the south line of said tract, one-fourth of a mile, to the southwest corner of the aforesaid tract of land; thence, due south, a sufficient distance, to a point west of the south line of the present corporate limits of said town of Carlyle; thence, east, on the said line, to the southwest corner of said town, continuing thence, east, to the southeast corner of the present limits of Carlyle; thence, north, to the place of beginning. And all parcels of land within the city boundaries, that are in extent five acres and over, shall be exempt from taxation, for city revenue, until the same shall be subdivided into lots of less than five acres; and each lot, when so divided, shall be taxed as other city lots: *If, provided*, said large tracts of five acres are not improved, otherwise to be taxed as other city property.

Additions.

§ 3. Whenever any tract of land adjoining the city of Carlyle shall be laid off into town lots and duly recorded, as required by law, the same shall be annexed to and form part of the city of Carlyle; and all parcels of land within the said new addition, if laid into lots of less than five acres, and each lot when so divided, shall be taxed as other city lots.

§ 4. When 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 hold, purchase and receive property, both real and personal, in said city; to purchase, receive and hold property, both real and personal, beyond the city, for burial purposes and for other purposes, for the use of said inhabitants of said city; to sell, lease and convey or dispose of property, and do all other things in relation thereto as natural persons.

## ARTICLE SECOND.

### OF THE CITY COUNCIL.

§ 1. There shall be a city council, to consist of a mayor and board of aldermen.

§ 2. The board of aldermen shall consist of four mem-

Aldermen.



bers, who shall be chosen by the qualified voters, for two years, and hold their office until others shall be elected and qualified.

§ 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 in the limits of said city one year next preceding his election, and shall have the requisite qualifications to vote for state officers, to be a resident of the city, and a citizen of the United States.

§ 4. It shall be the duty of the present trustees, or the mayor and aldermen that succeed them, to divide the said city of Carlyle, at any time that they may think it necessary to divide the said town, into wards, distinctly defining the boundaries of each, and designating the places in which their respective votes shall be cast. After they shall so divide the said town into wards there shall be two aldermen elected from each ward, who shall be the aldermen for the ward in which they shall be elected, and reside in the same; but, until said city shall be so divided into wards, there shall be one mayor and four aldermen elected, who shall reside in and be a freeholder in said city of Carlyle.

Wards of the city.

Election of aldermen.

§ 5. If any alderman shall, after his election, remove from the ward for which he is elected, or ceases to be a freeholder in said city, his office shall be declared vacated. The mayor and aldermen shall serve for such compensation as the city council shall determine; which shall not exceed one dollar each for each day of their stated meetings; and they shall meet at least once in each month.

§ 6. At the first meeting of the city council, the aldermen shall be divided, by lots, 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 end of the second year, so that one-half of the board shall be elected annually.

§ 7. The city council shall judge of the qualifications, elections and returns of their own members, and shall determine all contested elections under this act.

§ 8. 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.

§ 9. 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.

§ 10. 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.

Records.

§ 11. 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.

§ 12. All vacancies that shall occur in the board of aldermen shall be filled by election.

Official oaths.

§ 13. The mayor and each alderman, before entering upon the duties of their office, shall take and subscribe an oath or make affirmation that they will support the constitution of the United States and of this state, and that they will well and truly perform the duties of their office, to the best of their skill and ability.

§ 14. 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.

§ 15. 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 THIRD.

OF THE CHIEF EXECUTIVE OFFICE.

Mayor.

The chief executive officer shall be a mayor, who shall be subject to all the requirements, and the proceedings shall be the same as are laid down in the first, second, third, fourth, fifth and sixth sections of the third article of an act entitled "An act to incorporate the city of Centralia," approved February 18, 1859.

ARTICLE FOURTH.

OF ELECTIONS.

Election of city officers.

§ 1. On the first Monday of April next an election shall be held in the city, for one mayor, and one marshal, one street commissioner, one city surveyor, one treasurer and assessor, one police magistrate for the city, four aldermen; and, forever thereafter, on the first Monday of April, in each year, there shall be an election for one mayor, one marshal, one street commissioner, one city surveyor, one treasurer and assessor for the city, and one-half of the aldermen, or, if divided into wards, one from each ward.

First board of trustees.

§ 2. C. H. Grithouse, D. N. Moore, John Rhooe, Wm. Trusdal and William Morton, shall constitute a board of trustees of said city of Carlyle. 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 returns of the election to the clerk of the county court and to the secretary of state, of the election of mayor and of police magistrate, in the

same manner that returns are made of the election of justices of the peace.

§ 3. All white male inhabitants, over the age of twenty-one years, who are entitled to vote for state officers, and who shall have been actual residents of said town one year next preceeding the election, and who shall have paid such city tax as they may be subject to, shall be entitled to vote for city officers: *Provided*, that said voters shall give their votes in the wards in which they may respectively reside.

Qualifications of voters.

#### ARTICLE FIFTH.

##### OF LEGISLATIVE POWERS OF THE CITY COUNCIL.

§ 1. The city council shall have and exercise all the legislative powers as have the city council of the city of Centralia, in the county of Marion, in this state, as in article fifth in an act entitled "An act to incorporate the city of Centralia," approved Feb. 18th, 1859.

Provisions of Centralia charter made applicable.

§ 2. The style of the ordinances shall be, "*Be it ordained by the city council of the city of Carlyle.*"

#### ARTICLE SIXTH.

§ 1. The powers, duties, obligations, and mode of procedure shall be the same, within the corporate limits of the city of Carlyle, and Clinton county, as are given to the mayor, council, police magistrate, marshal, and other similar officers, in articles six, seven and eight, in "An act entitled 'an act to incorporate the city of Centralia,'" approved February 18, 1859.

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

APPROVED February 22, 1861.

#### AN ACT to amend the charter of the City of Decatur.

In force February 20, 1861.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That section one of article two of "An act to repeal an act entitled an act to incorporate the city of Decatur, and re-charter the same," be so amended as to read as follows, viz: "All that district of country in the county of Macon, and state of Illinois, contained within the following limits, to-wit: the southwest quarter of the northeast quarter, and the south half of the northwest quarter, and the south half of section eleven, and the southeast quarter and the east half of the southwest quarter of section ten, and the east half and the

Change of the city limits.



east half of the west half of section fifteen, and the west half and the west half of the east half of section fourteen, all in township sixteen north, of range two east of the third principal meridian, with such other additions of land as may be incorporated with, and come under the jurisdiction of said city, is hereby erected into a city, by the name of "The City of Decatur."

APPROVED February 20, 1861.

In force February 22, 1861. AN ACT to amend an act entitled "An act to incorporate Dallas City," approved February 18th, 1859.

Boundaries.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the boundary of said Dallas City is understood and hereby declared to be as follows, to-wit: Beginning on the county line between Hancock and Henderson counties, one mile east of the center of said Dallas City, as established by the act to which this is an amendment, approved February the 18th, 1859, and running one mile north, thence west two miles, thence south two miles, thence east two miles, thence north one mile, to the place of beginning, containing within its limits the west half of section thirty-six, (36,) all of section thirty-five, (35,) and the east half of section thirty-four, (34,) in Henderson county, and the west half of section one, (1,) all of section two, (2,) and the east half of section three, (3,) in Hancock county.

Assessments.

§ 2. The assessor of said Dallas City shall, in each year, make an assessment of the taxable property, according to his best judgment of the value thereof, and shall make out a list of the same, showing the names of the owners, when they can be ascertained, a description of the property, whether real or personal, assessed to each, and the amount of his valuation of the same.

Numerical order  
of description.

§ 3. The description shall be in numerical order, in case of real estate, so far as practicable; and in case the present owner of any real estate cannot be ascertained, the same shall be assessed, in such numerical order, as unknown. But in case the present owner of any real estate is ascertained, by listing or otherwise, and whenever any owner of real estate shall neglect or refuse to list the same, it shall be the duty of the assessor to perform such listing in his or their names; then such real estate shall be assessed to the owner or owners thereof, respectively. The assessor shall subdivide lots, by correct descriptions, when the same are owned in parts by different individuals, and when he can ascertain such ownership and description with reasonable certainty,

and shall assess to each his part only. Persons residing in the city shall deliver to the assessor a list of their property, both real and personal, on or before the first day of August in each year. The assessor shall, also, in cases where such list is not furnished, or is not satisfactory, call upon each tax payer, when practicable, and request a list of his or her property subject to taxation by the city, and assess the same.

§ 4. The assessor shall have power to examine any person, under oath, touching the amount and value of the real and personal property which the person is required to list; and if any person shall swear falsely, he or she shall be deemed guilty of perjury, and liable for the same under the criminal law of the state, as in other cases of perjury; and, in case of the refusal of any person to swear or affirm, the assessor shall be governed in his assessment by the best information he can obtain and his own judgment.

Swearing to assessment list.

§ 5. The assessor and collector shall, before entering upon the duties of their office, shall take and subscribe an oath or affidavit, that they will well and faithfully perform the duties of their respective offices, to the best of their skill and ability.

Oath of the assessor.

§ 6. The assessor shall make the assessment hereinbefore provided for, between the second Monday in May and the first day of September following, in each year; and shall, on or before the last named day, return a complete assessment list into the office of the city clerk, there to remain for public inspection, for the period of fourteen (14) days, during which time all persons feeling aggrieved may file with the city clerk their complaint, in writing, briefly setting forth wherein they deem themselves aggrieved by said assessment, and describing the property, of the assessment of which they complain.

§ 7. The assessor shall, upon said return being made, give notice in some newspaper published in Dallas City, or by posting notices in three public places, that the assessment for that year is completed and deposited in the city clerk's office, and request all persons feeling aggrieved to file their complaint, aforesaid, with the city clerk: *Provided, however,* that the city council may extend the time for making the return; and, in case the time is extended, such notice shall be given and complaints filed, after said return is made, for the same length of time and in the same manner as if said return had been made the first day of September.

Publication of notice.

§ 8. So soon as practicable, after the expiration of the period mentioned for inspection of said assessment and filing complaints against the same, the city council shall meet; and the city clerk shall lay before the council said assessment list, together with all complaints aforesaid, touching the same; and the council, together with the as-

Complaints.

Corrections.

essor, if practicable, shall carefully examine all complaints filed, and shall make such alterations and amendments in said assessment list as shall be deemed just and equitable. They shall, also, cause any additions to be made to said list of property, found to be omitted, or which may not have come to the knowledge of said assessor; and if, in any event, any real estate shall be omitted for any year or years, the same, when ascertained, shall be equitably assessed, and the back taxes thereon collected with the taxes of any current year. The city council shall cause all errors in said list to be corrected, as far as practicable, on the total amount of taxable property, to be ascertained as near as can be, and the same to be set down at the end of said list. The said assessment list, when examined and corrected, as aforesaid, shall be certified to by the assessor, as near as may be, in the following form: "I do certify that the foregoing assessment list for Dallas City, for the year ———, contains a true assessment of all the taxable property within said city for said year. ———, city assessor;" and so file the assessment list with the city clerk, and shall take from said clerk a receipt for the same, showing the total amount of taxable property; which receipt he shall file with the city treasurer.

Levying of taxes.

§ 9. The city council shall, as soon as practicable after the said list is corrected and the amount of taxable property ascertained, proceed to levy such a sum or sums of money as may be sufficient for the several purposes for which taxes are authorized to be levied, particularly specifying the purposes for which the same are levied, which levy shall be recorded in the records of the city, and shall be and form a part thereof.

Tax made a lien  
on real estate.

§ 10. All taxes and assessments, general and special, levied or assessed by the city council under this act, shall be a lien upon the real estate upon which the same may be levied, imposed or assessed, for two years from and after such levy, and on personal property from and after the delivery of the assessment list or roll to the collector 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 due from said debtor, on real or personal estate; and the real estate shall be liable for the taxes on personal property, in case of removal, or when the tax cannot be made out of the personal property, in the same manner as is prescribed by the laws of this state: *Provided*, that in case the collection of any assessment shall be delayed by injunction, or other special 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.



§ 11. The city clerk shall, within thirty days after the levy of the tax by the city council, make out a fair copy of said assessment list, 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, and shall attach to said assessment list a warrant, signed by the mayor or acting mayor and clerk, with the corporate seal thereto attached, authorizing the collector to collect the sums of money so levied in said assessment roll or list, and pay the same over to the city treasurer, and take his receipt for the same; and shall deliver the same to the collector and take the collector's receipt for the said assessment list, showing the whole amount of taxable property and the total amount of taxes therein; which receipt shall be filed in his office.

Copy of assessment list and warrant.

§ 12. The collector, after having given sufficient bond and security, shall, upon the receipt of said assessment list, proceed to the collection of the taxes therein specified; and for that purpose shall call at least once on the person taxed, or at his usual place of residence or business, if in the city, and shall demand payment of the taxes charged to him on his property; and the oath of the collector shall be allowed, in all cases, to prove such demand: *Provided, however,* that the collector may give notice of the time and place when and where he will attend with the tax list and receive taxes; which notice shall be published in some newspaper in said city, and shall be published twice; and such notice shall be deemed a demand, and a neglect to pay taxes for twenty days thereafter shall be deemed a refusal.

Manner of collecting the tax.

§ 13. In case any person shall refuse or neglect to pay the tax imposed upon him the collector shall levy the same, by distress and sale of the goods and chattels of the person who ought to pay the same: *Provided, however,* that the collector shall have power to collect said taxes, with interest and cost, by suit, in the corporate name of the city, in any court of competent jurisdiction; and no set-off shall be allowed in any such suit.

Sale of property for taxes.

§ 14. The collector may, after demand and refusal, as aforesaid, and before, in case of probable loss to the city revenue of tax due the city on any property, real or personal, on said tax list, seize any personal property of the owner or any person having listed or consented to the listing in his name, or any property which has been duly listed by the assessor, as herein before provided, of such property of sufficient value to satisfy the taxes and costs due thereon, and may, from time to time, make such further seizure as may be necessary for that purpose. He shall cause any property so seized to be advertised for sale ten days, by posting notices in three public places, containing a description of the property, and stating the time and place of sale thereof, or, by publishing a similar notice once in some newspaper

Seizure of personal property.

published in said city; which notice shall be published at least ten days before the day of sale; and, on the day of sale, shall sell the same, at public vendue, at the place named in said notice, to the highest bidder, and apply the proceeds to the satisfaction of the taxes and costs for which the same was seized, after deducting five per centum for making such seizure and sale, and shall pay the overplus, if any, to the owner thereof, on demand. The said tax list shall be a sufficient warrant for the collector to make such seizure and sale, and in all cases arising under this act the said assessment list shall be evidence on the part of the city.

§ 15. Any person may pay taxes on such portion of any real estate as he may have claim to: *Provided*, he will furnish the collector with a plain and certain description thereof. Upon the payment of any tax to the collector, he shall make an entry in his tax list of the name of the person paying; and if the payment is made on property, by different descriptions or in different parts or parcels from the description thereof made by the assessor and shown by said tax list, he shall enter a particular description thereof and of the amount paid, and shall deliver to the person paying a receipt, stating the time of payment, by whom payment is made, a correct and plain description of the property paid on, the total amount paid, and the year or years for which the taxes are paid.

Delinquent tax  
list.

§ 16. After having made due effort to collect the taxes due on said tax list, and on or before the first day of March, in each year, the collector shall return said tax list into the office of the city clerk, there to be filed and remain; and shall, also, at the same time, make out and return to the city clerk, a delinquent list, truly taken from said tax list, of the taxes remaining unpaid thereon, and for which he can find no personal property to satisfy the same and costs. The collector shall append to said delinquent list an affidavit, as near as may be in the following form: "I do solemnly swear (or affirm, as the case may be,) that the foregoing delinquent list contains a true copy from the tax list of Dallas City, for the year —, of the taxes remaining unpaid on said list, and for which I can find no personal property to satisfy the same. —, collector;" which oath or affirmation may be administered by any person qualified to administer oaths under the laws of this state: *Provided, however*, that the city council may extend the time for the collector's return for fifteen days.

Approval and  
filing of delin-  
quent tax list.

§ 17. Upon the return, aforesaid, of said original and delinquent tax list, the city council, so soon as practicable, [shall] examine the same, and shall allow and credit the collector with all delinquent taxes in said delinquent list contained, which they shall be satisfied could not have been collected by due diligence; and shall make final settlement with the

collector of the revenue aforesaid collected by him. Upon the examination and settlement aforesaid the city clerk shall receive and file the said delinquent tax list, and shall execute to the collector his receipt therefor, showing the total amount of taxes remaining unpaid on said delinquent list; which receipt the collector shall file with the city treasurer, and the city clerk shall, from thenceforth, stand charged with the collection of said delinquent taxes.

§ 18. The city council may, from time to time, by order, direct the collector to pay into the city treasury all taxes collected by him, or to make settlement therefor with the city council; and, in case of default of the collector in any matter material to the security or collection of the city revenue, under this act, the city council shall cause the collector's bond, aforesaid, to be put in suit for such default.

Collector to pay  
over funds.

§ 19. The city clerk shall give bond, with security, to the satisfaction of the city council, to Dallas City, in a penalty of double the amount of taxes remaining unpaid on said delinquent tax list, and conditioned for the faithful discharge of his duties as collector of the delinquent tax list, and for the payment of the moneys collected thereon into the city treasury; which bond shall be filed with the city treasurer; and the city clerk shall thereon be authorized to receive the taxes unpaid on said delinquent tax list, and shall have the same power to collect the same, by distress or otherwise, in all respects, that the collector had.

City clerk's bond.

§ 20. The city clerk shall, as soon as practicable, after receiving the list, make out two lists of delinquent taxes. In one list he shall insert all the delinquent taxes of that part of Dallas City, situated in Hancock county, and deliver the same to the collector of said Hancock county; in the other list he shall insert all the delinquent taxes of that part of Dallas City situated in Henderson county, and deliver the same to the collector of Henderson county. Before delivering the said lists to the collectors, as aforesaid, the city clerk shall append to said delinquent list an affidavit, as near as may be, in the following form: "I do solemnly swear (or affirm, as the case may be,) that the foregoing delinquent list contains a true copy from the tax list of Dallas City, in Hancock (or Henderson, as the case may be,) county, for the year —, of the taxes remaining unpaid and for which no personal property is found to satisfy the same. — —, city clerk."

Duplicate delin-  
quent list.

§ 21. The said collector of said counties shall receive said delinquent tax lists, and, thereon, shall be authorized to receive the taxes unpaid on said delinquent tax list, and shall be required to proceed and collect the same, in the same manner and form, in all respects, the same as delinquent state and county taxes are collected by law in said counties. Certificates of purchase and deeds made in pursuance of this act, shall have the same force and virtue as other certificates of purchase and deeds, made pursuant to

County collect-  
or's duties.



the revenue laws of this state. All moneys collected, pursuant to this act, shall be, by the officer collecting the same, after deducting his fees, paid into the treasury of Dallas City.

Deputy marshals.

§ 22. It shall be lawful for any marshal of said Dallas City to appoint one or more deputies; which appointment shall be in writing, filed in the office of the city clerk; and any deputy, when so appointed, and having taken the oath of office required to be taken by the marshal, shall be and is hereby authorized to perform any and all duties required of the marshal, by virtue of his office, in the name of the marshal; and the marshal shall be liable for any neglect or omission of the duties of his office, occasioned by such deputy, in the same manner as for his own personal neglect or omission; and any bond or security taken by any marshal from his deputy, to indemnify such marshal, shall be good and available in law. If any deputy, so appointed and qualified, shall reside in that part of Dallas City situated in another county from the residence of said marshal, he is authorized and required to do all acts in such county in which he shall so reside the same as the marshal might do should he reside in such county.

Jurisdiction of  
police magis-  
trates.

§ 23. The police magistrates and justices of the peace, residing within the incorporate limits of Dallas City, in either county, shall have the same jurisdiction, in all suits and actions whatever, as police magistrates and justices of the peace now have by law in Peoria county.

Dallas City town-  
ship.

§ 24. All that part of Dallas City situated in Hancock county, together with the east half of section one, (1,) all of sections two, (2,) eleven, (11,) twelve, (12,) thirteen, (13,) fourteen, (14,) twenty-three, (23,) twenty-four, (24,) twenty-five, (25,) twenty-six, (26,) thirty-five, (35,) and thirty-six, (36,) and the east half of section ten, (10,) fifteen, (15,) twenty-two, (22,) twenty-seven, (27,) and thirty-four, (34,) of Pontoosuc township, in said Hancock county, shall constitute one election precinct or township of said Hancock county, and state of Illinois, to be named and known as Dallas City, township or precinct; and, as such, shall be entitled to one supervisor, one town clerk, one assessor, one collector, one overseer of the poor, three commissioners of highways, two constables, two justices of the peace, and overseers of highway and pound masters, as the law requires in township organization; and shall have all the rights, privileges and immunities of other townships in Hancock county; and shall be subject, in every respect, to the same laws and regulations: *Provided*, that if the township organization in Hancock county shall at any time be done away, said district or township shall constitute one election precinct. The first notice for a town meeting and election of officers in said township shall be given by the county clerk of Hancock county.

§ 25. Sections fourteen (14) and fifteen, (15,) in article eight, (8,) of the act entitled "An act to incorporate Dallas City," approved February the eighteenth, (18th,) 1860, of which this is an amendment, is hereby repealed.

§ 26. The mayor of said city and the city clerk are authorized and empowered to administer oaths and affirmations the same as justices of the peace now do.

Administering of oaths.

§ 27. The place of holding elections in Dallas City precinct, Henderson county, shall be in that part of said Dallas City lying and being in Henderson county.

§ 28. The reservation made and provided for in the act incorporating Dallas City, and applied to the east half of block number eight, (8,) of said city, was intended to be applied and shall be applied to the east half of block seven. (7.)

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

APPROVED February 22, 1861.

AN ACT to amend an act entitled "An act incorporating the city of Dixon," approved February 19th, 1859. In force February 22, 1861.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the first section of the fourth article of an act entitled "An act incorporating the city of Dixon," be and the same is hereby so amended as to read, "On the first Monday of March next an election shall be held, in each ward of said city, for one mayor, one marshal, one assessor, one collector, and one police justice for the city; also, one alderman for each ward of the city; and forever thereafter, on the first Monday of March, in each year, there shall be an election held in each ward in the city for a mayor, marshal, assessor, and a collector for the city, and alderman for each ward; and on the first Monday of March, of every fourth year, there shall be an election for one police justice for said city."

Election for city officers.

§ 2. Also, that the first section of the fifth article of said act be and the same is hereby so amended as to read, "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 city assessor of the said city of Dixon, for each year, respectively; and the city council shall have power to cause a renumbering of lots, blocks and subdivisions thereof, in said city; and to regulate the numbering

Levying and collection of tax.

of lots and blocks, which may be hereafter laid out therein; and to cause a map or maps of the city to be prepared, showing such renumbering, and to have the same recorded in the recorder's office of the county in which said city is located; and, thereafter, the assessment and tax rolls or books of said city shall be made in accordance with such map or maps."

Official bonds.

§ 3. Also, that the first clause or sentence of the fourth section of the fifth article of said act be and the same is hereby so amended as to read, "The city council shall have power to require of all or any officers, elected or appointed in pursuance of this charter, such bonds to the city of Dixon, with penalty and security, to be approved by the mayor and a majority of the aldermen, for the faithful performance of their respective duties, as may be deemed necessary or expedient; and, also, to require all officers, elected or appointed, as aforesaid, before entering upon the duties of their respective offices, to take an oath for the faithful performance of their duties."

Vote upon license question.

§ 4. Also, that the nineteenth subdivision of the fourth section of the fifth article of said act be and the same is hereby so amended as to read, "To license, regulate and tax the selling of intoxicating and malt liquors, within the city, for one year; for which license the said council shall fix the sum to be paid—the same to be not less than one hundred dollars for spirituous or malt liquors, nor less than twenty-five dollars for malt liquors: *Provided*, that the city council may grant permits for the sale of liquor by druggists, for medical, mechanical, sacramental and chemical purposes only, under such restriction as may be provided by ordinance: *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 labelled "License," or "No License;" 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; returns of which shall be made by the judges of election to the city council, at the same time as 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 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."

Vote upon charter amendments

§ 5. The first, second and third sections of this act shall not become a law, unless a majority of the legal voters,



voting at the next annual election for city officers, shall add to their ballots for said officers the words "For the Law." And the judges and officers of said election shall provide a column in the returns of said election, and record said vote, and certify the same with the returns of said election.

§ 6. The fourth section of this act shall take effect and be in force from and after the passage of this 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 within this state without proof.

APPROVED February 22, 1861.

AN ACT to legalize an act of the Common Council of the City of Dixon.

In force February  
22, 1861.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the act of the common council of the city of Dixon, of issuing orders for free bridge purposes, on the first day of January, A. D. 1861, be and the same is hereby legalized for any and all purposes whatever.

§ 2. This act shall not become a law, unless a majority of the legal voters, voting at the next annual election for city officers, shall add to their ballots for said officers the word "Legalize." And the judges and officers of said election shall provide a column in the returns of said election, and record said vote and certify the same with the returns of said election.

[§ 3.] This act shall be in force from and after its passage.

APPROVED February 22, 1861.

AN ACT to amend an act entitled "An act to incorporate the City of Freeport," approved February 14th, 1855.

In force February  
20, 1861.

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 be and they are hereby authorized and empowered to issue bonds of said city of Freeport, drawing ten per cent. interest, per annum, to the amount of four thousand dollars, for the purpose of canceling the present floating indebtedness of said city of Freeport.

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

APPROVED February 20, 1861.

In force February 20, 1861. AN ACT to amend an act entitled "An act to reduce the law incorporating the City of Galena and the several acts amendatory thereof into one act, and to amend the same, and for other purposes," approved January 30, 1857.

*Be it enacted by the People of the State of Illinois, represented in the General Assembly, That the act entitled "An act to reduce the law incorporating the city of Galena and the several acts amendatory thereof into one act, and to amend the same, and for other purposes," approved January 30, 1857, be so amended that the chapter entitled "Schools and School Funds" shall read as follows:*

Creation of school district.

SECTION 1. The city of Galena, with such limits as are now or as may hereafter be established, shall constitute one school district; and the city council of said city shall, by virtue of their offices, be the directors of the public schools in and for said district.

Maintenance of schools.

§ 2. The said city council shall have full power and authority, and it shall be their duty, to establish, maintain and regulate, for at least six and not to exceed eleven months, in each year, a sufficient number of free schools, for the children in the district over five and under twenty-one years of age; and may sue for and collect all moneys arising from any fund for the support of schools or for educational purposes, and to which the inhabitants of said district may now or hereafter be entitled; which money, when collected, shall be paid to the treasurer of the city of Galena, to be expended by said council for the support of free schools within the limits of said city, and for no other purpose.

§ 3. The city council shall have power and it shall be their duty:

Graded schools.

*First:* To grade the schools in said district, and make such subdivisions of the district, for school purposes, as may be deemed expedient.

General provisions to be made.

*Second:* To purchase or lease sites for school houses, with the necessary grounds, and to erect, hire or purchase buildings, for school purposes, and keep the same in repair.

*Third:* To furnish schools with the necessary fixtures, furniture, libraries and apparatus.

*Fourth:* To hire teachers and fix the amount of their compensation.

*Fifth:* To prescribe the studies to be taught in the different schools, to make all needful rules and regulations, concerning the schools, and to determine upon what terms children residing outside of said district may attend the free schools of said district.

Enumeration of children.

*Sixth:* To cause to be made enumerations of the children of said district, residing in township twenty-eight, range one east, and twenty-eight, range one west of the fourth principal meridian, at the times and in the manner prescribed in the school law of this state. Said enumeration to be filed with the respective treasurers of said townships.

*Seven:* To appoint a board of school inspectors, not less than three nor more than five in number, and prescribe their duties, and delegate to them, if deemed expedient, any or all of the powers and duties mentioned in specifications one, three, four, five and six, of this section. Inspectors.

*Eight:* To cause the public moneys, for the support of schools, to which the said city or the schools therein may be entitled, to be paid into the city treasury, and to direct the expenditure thereof.

*Nine:* To levy and collect taxes for the payment of all the expenses incident to the maintaining of free schools, and for all the purposes herein mentioned—the said taxes to be called “school taxes;” and the money arising therefrom, together with all other school moneys belonging to the city, shall be kept as a separate fund, to be used for none other than common school purposes. School taxes.

§ 4. The city council shall cause to be prepared and forwarded to the school commissioner of Jo Daviess county, on or before the second Monday of October, in each year, a statement of school statistics for said district, similar to that required of the trustees of schools of the various townships; which statement shall be certified to by the treasurer of said city; and it shall be the duty of said school commissioner at every apportionment of school moneys in his possession, to apportion to the said district a proportionate amount of said moneys, upon the same basis that apportionment is made to the several townships in the county of Jo Daviess, and pay said amount, so apportioned, directly to the treasurer of the city of Galena, in the same manner as if the said district were a distinct township; and the school reports to said commissioner from townships twenty-eight, range one west, and twenty-eight, range one east of the fourth principal meridian, shall not include the school statistics of the said district or any part thereof. Annual statement  
to the school  
commissioners.

§ 5. The teachers of the free schools of said district shall be subject to the provision of the school law, and shall make schedules of the scholars attending school in said district, in accordance with section fifty-three of said law, especially specifying the township in which each scholar resides; and the school inspectors of said district shall certify to the correctness of said schedules. The schedules of said scholars, and who reside in township twenty-eight, range one west of the fourth principal meridian, shall, at least two days before the first Monday in April and October, in each year, be filed with the treasurer of said township. And it shall be the duty of the trustees of schools of said township, at each semi-annual apportionment, to apportion to said district a proportionate amount of money, arising from the township fund, upon the same basis that apportionment is made to the districts in said township, outside of the city of Galena; and the amount so apportioned to the said district, shall be Teachers.

Apportionment of  
money from the  
township fund.



immediately paid to the treasurer of the city of Galena by the treasurer of said township. A similar course shall be pursued with the schedules of the scholars in said district, and who reside in township twenty-eight, range one east of the fourth principal meridian, and a similar duty, as to apportionment and payment of money arising from the township fund of said township twenty-eight, range one east of the fourth principal meridian, shall devolve upon the trustees of schools and the treasurer of said last named township.

§ 6. The legal voters residing in said district shall have the right to vote for trustees of schools, for the township in which they respectively reside.

§ 7. 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.

§ 8. All laws conflicting with this act are hereby so far modified and repealed as to give full effect and efficiency to all the provisions of this act.

§ 9. This act shall take effect from and after its passage.

APPROVED February 20, 1861.

In force February  
12, 1861.

AN ACT to amend an act entitled "An act to reduce the law incorporating the City of Galena and the several acts amendatory thereof into one act, and to amend the same, and for other purposes, approved January 30th, 1857, and to equalize the ratio of representation of the towns of East and West Galena, including the City of Galena, in the Board of Supervisors of Jo Daviess county."

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That the several wards in the city of Galena shall be entitled to elect one supervisor in each ward, in addition to the township supervisors in the towns of East and West Galena; and the several supervisors, so elected, shall be members of the board of supervisors of Jo Daviess county, and shall have, possess and enjoy all the rights, powers and privileges that are now or hereafter shall be possessed and enjoyed by the several township supervisors of the said county of Jo Daviess. The election of such additional supervisors to be held at the same time as the election of township supervisors, and in the same manner, and at the same place or places, as is now or may hereafter be provided by law and by ordinance or resolution of the city council of said city, for the election of aldermen in the several wards in said city: Provided, that the number of wards in said city shall not be increased by the said city council of the city of Galena, so as to give said city of Galena more than five supervisors, in addition*

Election of su-  
pervisors in the  
wards.

to the township supervisors of the said towns of East and West Galena.

§ 2. The whole of section two of article entitled "Miscellaneous Provisions," of an act entitled "An act to reduce the law incorporating the city of Galena and the several acts amendatory thereof into one act, and for other purposes," approved January 30, 1857, and so much of section two of article first of said act as is inconsistent with this act, are hereby repealed.

§ 3. This act shall take effect on the first day of April next.

APPROVED February 12, 1861.

AN ACT to authorize the vacation of certain grounds in the City of Joliet, In force February 21, 1861.  
and for other puposes.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the board of supervisors of Will county be and they are hereby authorized and empowered, by and with the consent of the common council of the city of Joliet, to vacate, sell, dispose of and duly convey the blocks of ground upon which the court house and jail of said county now stand, or either of them, or any part thereof, and for such price and upon such terms as they deem for the best interest of said county.

§ 2. Said board of supervisors are hereby empowered to purchase and acquire, within said city of Joliet, suitable grounds and to erect and build thereon a new court house and jail, for the use of said county of Will; or, if they shall deem it more advisable, they may improve, repair, enlarge or rebuild the present court house and jail, or either of them, or consolidate both in one, upon the ground where the court house now stands, and do the same in such manner as will best meet the wants and subserve the interest of said county.

Erection of court house and jail.

§ 3. For the purpose of raising the necessary funds for the purposes aforesaid, said board of supervisors may issue the bonds of said county, of the denomination of one thousand dollars, each, in an amount, not to exceed fifty thousand dollars, in the aggregate. Said bonds to be equally divided into ten classes, and so arranged that the first class shall become due in twenty-five years after the date thereof, and the other classes, one in each successive year, after the first class shall become due, until the whole shall become due. The same to be signed by the chairman of said board, countersigned by the clerk thereof, and have the corporate seal of the county court of said Will county thereto attached,

Issue of bonds.

and to bear interest at the rate of ten per centum, per annum, payable, semi-annually, by the county treasurer of said county of Will; and, for the payment of which, a special tax shall be levied upon the taxable property of said county, in time to meet and provide for the first class of said bonds, and the interest then becoming due, and, annually, thereafter, as said bonds and interest shall become due.

§ 4. This act shall be in force from and after its passage.  
APPROVED February 21, 1861.

In force February 22, 1861.

AN ACT to amend the charter of the City of Joliet.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That sections one (1) and three, (3,) of article fourteen, (14,) of an act entitled "An act to reduce the law incorporating the city of Joliet and the several acts amendatory thereof into one act, and to amend the same," approved January 31, 1857, be and the same are repealed, and the offices thereby created abolished.

Election of police magist a s.

§ 2. There shall be elected, at each annual municipal election of said city, hereafter to be held, one police magistrate, who shall hold his office for four years, and shall be commissioned, qualified, and have such jurisdiction, powers, emoluments, and perform such duties, and conform to such rules and regulations, as is provided in the remaining sections of the article of the act to which this is amendatory.

§ 3. This act to take effect and be in force from and after the 4th day of March next.

APPROVED February 22, 1861.

In force February 18, 1861.

AN ACT to amend the charter of the City of Litchfield, approved February 16th, 1859.

City magistrate.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* The city magistrate shall be elected quadrennially, and shall give bond, and be qualified, and be commissioned as are other justices of the peace, under the statutes, and shall hold his office until the election and qualification of his successor.

City marshal.

§ 2. The city marshal shall, as constable, give bond, and be qualified and commissioned as are other constables.

City

§ 3. The city clerk shall be appointed by the city council, at the first regular meeting in the municipal year, and shall



hold his office during the pleasure of the city council, not exceeding one year.

§ 4. The city council shall have power to levy a yearly Road tax. poll tax, not exceeding three dollars, *per capita*, on all male inhabitants of said city of Litchfield, over twenty-one years of age and not over fifty years of age, to be levied and collected as are other city taxes; which said poll-tax shall belong to the highway fund of said city.

§ 5. The city council shall, also, have power to require each male resident of the city to perform highway labor on the streets of said city, not exceeding three days in any one year.

§ 6. No special election shall be held to fill any vacancy Filling of vacancies. in the office of mayor, alderman or city magistrate, provided such vacancy occur within three months of the next annual election. In such case the vacant office shall be filled at such next annual election.

§ 7. Section twenty-seven, of article thirteen, of said charter, is hereby repealed.

§ 8. So much of the act approved February 27th, 1854, entitled "An act for the better government of towns and cities and to amend the charter thereof" as is not inconsistent with this act, nor with the act of which this is an amendment, shall constitute a part of the charter of said city of Litchfield.

§ 9. This act shall take effect from and after the first day of March next.

APPROVED February 18, 1861.

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AN ACT to incorporate the City of Lake Forest.

In force February  
21, 1861.

## ARTICLE I.

### OF BOUNDARIES AND GENERAL POWERS.

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

§ 2. All lands embraced within the present plat of the town of Lake Forest, as the same is recorded in the office of the clerk of the Lake county circuit court, and all additions to said town plat, which may hereafter be laid out and duly recorded, is declared to be and shall constitute the territorial

limits of said city of Lake Forest: *Provided*, the city council shall have power, and they are hereby authorized, to extend the limits of said city, at any regular meeting, west, to a point not exceeding one-half of a mile west of the present most westerly point of the western limits of said city. Said territory, so added, not to extend further north nor south than the extreme northern or southern limits of said city, as herein established, on condition, however, that two-thirds of the property holders, holding the lands sought to be embraced, shall consent to such extension of the city limits: *Provided, further*, that no tract of land, exceeding ten acres in area, within the territory thus added, shall be taxed for general city purposes.

Wards.

§ 3. The present board of trustees of the town of Lake Forest shall, on or before the second Monday of April next, divide the said city of Lake Forest into two wards, as nearly equal in population as possible, particularly describing the boundaries of each.

General corporate powers.

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

## ARTICLE 2.

### OF THE CITY COUNCIL.

§ 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 chosen by the qualified voters, for two years, and by general ticket, until otherwise ordered by the city council.

§ 3. No person shall be an alderman, unless he shall be, at the time of his election, twenty-one years of age, a citizen of the United States, a resident of the ward for which he is elected, and shall be a freeholder of property located within the bounds of said city, and, after the first election under this charter, shall have resided one year within its limits.

§ 4. If any alderman shall, after his election, remove from the ward for 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 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.

§ 6. The city council shall judge of the qualifications, elections and returns of their own members, and shall determine all contested elections.

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

§ 8. The city council shall have power to determine the rule of its proceedings, punish its members for disorderly conduct, and, with the concurrence of two-thirds of the members elected, expel a member.

§ 9. The city council shall keep a journal of its proceedings, and, from time to time, publish the same; and the yeas and nays, when demanded by any member present, shall be entered upon the journal. Journal.

§ 10. No alderman shall be appointed to any office under the authority of the city which shall have been created or the emoluments of which shall have been increased during the time for which he shall have been elected.

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

§ 12. The mayor and each alderman, before entering upon the duties of their office, shall take and subscribe an oath that they will support the constitution of the United States and of this state, and that they will well and truly perform the duties of their office, to the best of their skill and ability. Oath of office.

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

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

### ARTICLE 3.

#### OF THE CHIEF EXECUTIVE OFFICER.

§ 1. The chief executive officer of the city shall be a mayor, who shall be elected by the qualified voters of the city, and hold his office for one year, and until his successor shall be elected and qualified. The 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 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 shall be a freeholder of property located within the bounds of said city: *Provi-*



*ded, however,* that at the first election under this charter the term of residence shall be ten days, in lieu of one year as above.

Vacancy in office.

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

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

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

Mayor pro tem.

§ 6. Whenever the mayor shall absent himself, temporarily, from the city, the board of aldermen may appoint one of their number mayor, *pro tem.*, who shall act during such absence, and shall perform all the duties of the office; and, in case the mayor's office shall, for any cause, become vacated, the board of aldermen shall elect one of their number mayor, for the balance of that term.

#### ARTICLE 4.

##### OF ELECTIONS.

Election for city officers.

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

Qualification of voters.

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

#### ARTICLE 5.

##### OF THE LEGISLATIVE POWERS OF THE CITY COUNCIL.

Taxes.

§ 1. The city council shall have power and authority to levy and collect taxes upon all property, real and personal, within the limits of said city, except upon the parks and public grounds laid out within the bounds of said city, for

educational purposes, including University, Academy and May Flower Parks, 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 provided by ordinance, not repugnant to the constitution of the United States or of this state.

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

§ 3. The city council shall have power to require of all officers appointed in pursuance of this charter bond, with penalty and surety, for the faithful performance of their respective duties, as may be deemed expedient; and also to require all officers appointed as aforesaid, to take an oath for the faithful performance of the duties of their respective offices, before entering upon the discharge of the same; to establish, support and regulate common schools. Official bonds.

§ 4. To appropriate money and provide for the payment of the debts and expenses of the city. Appropriate money, &c.

§ 5. To make regulations to prevent the introduction of contagious diseases into the city; and enforce the same, within five miles of the city.

§ 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.

§ 7. To provide the city with water, and to erect pumps for the convenience of the inhabitants. Water works.

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

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

§ 10. To divide the city into wards, alter the boundaries thereof, and erect additional wards as occasion may require. Wards.

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

§ 12. To establish, support and regulate night watches.

§ 13. To erect market houses, establish markets and market places, to erect and keep in repair hay scales, and to provide for the government and regulation of the same.

§ 14. To provide for the erection of all suitable buildings for the use of the city. Public buildings.

§ 15. To license and regulate porters and fix the rate of portorage.

§ 16. To license, tax and regulate exhibitions, shows and amusements.

§ 17. To restrain, prohibit and suppress tippling houses, dram shops, gaming houses, bawdy houses and other disorderly houses anywhere within two miles of the University Park in said city, within said city, and within the limits of one mile beyond the boundaries of said city. Tippling houses.

- Fire department. § 18. To provide for the prevention and extinguishment of fires; and to organize and establish fire companies.
- § 19. To regulate the fixing of chimneys, and fixing the flues thereof.
- Census. § 20. To provide for taking enumerations of the inhabitants of the city.
- § 21. To regulate the election of the city officers, and provide for removing from office any person holding an office created by ordinance.
- Police regula- § 22. To regulate the police of the city, to impose fines, forfeitures and penalties for the breach of any ordinance, and provide for the recovery of such fines and forfeitures, and the enforcement of such penalties.
- tions. § 23. 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.
- § 24. The city council shall have power to make all ordinances which shall be necessary and proper for carrying into execution the powers specified in this act, so that such ordinances be not repugnant to nor inconsistent with the constitution of the United States or of this state. But the city council shall not have power to borrow money or create a debt, for any purpose, without the assent of at least two-thirds of the legal voters of said city, and then, not to exceed one thousand dollars during the first five years from the passage of this act.
- Style of ordinan- § 25. The style of ordinances of the city shall be: "*Be it ordained by the city council of the city of Lake Forest.*"
- ces. § 26. All ordinances passed by the city council, in the city, shall not be in force until they shall have been published ten days.
- Publication of or- § 27. The publication of ordinances, and other matter, in this act required, may be by posting copies thereof in three public places in said city; and the certificate of the city clerk, indorsed on the original, setting forth the fact of such posting, shall be evidence of such posting.
- dinances. § 28. The city council shall have power to prevent indecencies, within the corporation and on Lake Michigan, within one mile of the shore thereof, and to license and authorize the erection of piers or wharves, extending into said lake.
- § 29. The city council shall have power to provide for the punishment of offenders, by imprisonment in the county jail, in all cases, where such offenders shall fail or refuse to pay the fines and forfeitures which may be recorded against them.
- § 30. All ordinances of the city may be proven by the seal of the corporation, and when printed and published in a 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 6.

## OF THE MAYOR.

§ 1. The mayor shall preside at all meetings of the city council, and shall have a casting vote, and no other. In case of nonattendance of the mayor at any meeting, the board of aldermen shall appoint one of their number mayor, *pro tem.*, who shall preside at that meeting. Mayor's duties.

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

§ 3. The mayor shall at all times be active and vigilant in enforcing the laws and ordinances for the government of said city; he shall inspect the conduct of all subordinate officers of said city, and cause negligence and positive violation of duty to be prevented 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. Enforcement of laws.

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

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

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

§ 7. He shall receive for his services such salary as shall be fixed by an ordinance of the city: *Provided*, that the mayor shall not be allowed any salary during the first five years from the date of the first election for city officers, under this act. Salary of.

§ 8. 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 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. May be indicted and removed from office.

## ARTICLE 7.

## OF THE MAYOR'S COURT.

§ 1. There is hereby established in said city an inferior court, of civil and criminal jurisdiction, by the name of "The Mayor's Court of the City of Lake Forest." Said Extent of jurisdiction.

court shall have jurisdiction in all cases arising under the ordinances of said city, and shall have such criminal and civil jurisdiction, within the limits of said city, as is or may be conferred on justices of the peace, generally, under the laws of this state; and all proceedings in said court shall be conducted, as near as may be, as like proceedings are conducted before justices of the peace. Judgments rendered by said court shall have the same force and effect as judgments rendered by justices of the peace.

Right of appeal.

§ 2. Appeals shall be allowed from judgments rendered by said court, to be taken and prosecuted the same and in the same manner as from judgments of justices of the peace. All process from said court may be served by the city marshal or any constable of Lake county.

§ 3. The mayor shall be entitled to such fees as are allowed to justices of the peace for like services.

§ 4. The mayor shall have power to take acknowledgment of deeds and other instruments in writing, and to administer oaths and take depositions.

## ARTICLE 8.

### PROCEEDINGS IN SPECIAL CASES.

Opening streets.

§ 1. When it shall be necessary to take private property for opening, widening or altering any public street, lane, avenue or alley, the corporation shall make a just compensation therefor to the person whose property is so taken, and if the amount of such compensation cannot be agreed on, the mayor shall cause the same to be assessed by a jury of six disinterested freeholders of said city.

Petitions for  
changing streets

§ 2. When the owners of all the property on any street, lane, avenue or alley, proposed to be opened, widened or altered, shall petition therefor, the city council may open, widen or alter such street, lane, avenue or alley, upon conditions to be prescribed by ordinance; and the said petition shall operate as a release of all damages, on the part of the petitioners, in opening, widening or altering such public street, lane, avenue or alley, and no compensation shall, in such cases, be allowed to those whose property shall be taken for the opening, widening or altering of such street, lane, avenue or alley, nor shall there be any assessment of benefit or damage that may accrue thereby to any of the petitioners.

Damages assessed

§ 3. All jurors empaneled to inquire into the amount of benefit or damage which shall happen to the owners of property proposed to be taken for opening, widening or altering any street, lane, avenue or alley, shall first be sworn to that effect, and shall return to the mayor their inquest, in writing, signed by each juror.

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

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

§ 6. The city council shall have power, by ordinance, to levy and collect a special tax on the holders of lots on any street, lane, avenue or alley, or part of any street, lane, avenue or alley, according to their respective parts owned by them, for the purpose of paving, grading, establishing grade, building, rebuilding, repairing, or otherwise improving sidewalks. Special tax.

## ARTICLE 9.

### MISCELLANEOUS PROVISIONS.

§ 1. The inhabitants of the city of Lake Forest are hereby exempted from working on any road beyond the limits of the city, except by order of the city council. Working of roads

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

§ 3. 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. Annual financial statement.

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

§ 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 Lake Forest.

§ 6. All actions, fines and forfeitures, which have accrued to the president and trustees of the town of Lake Forest, shall be vested in and prosecuted by the corporation hereby created.

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

§ 8. This charter shall not invalidate any act done by the president and trustees of the town of Lake Forest, nor divest them of any right which may have accrued to them



prior to the passage of this act, and all acts and proceedings of said president and trustees and other officers of said town, are hereby declared to be legal and valid.

Publication  
of the law.

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

§ 11. 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.

Execution  
of writs.

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

Public grounds.

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

City marshal.

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

Schools.

§ 15. The care and superintendence of the common schools within the city of Lake Forest, together with the funds and estate, both real and personal, belonging to, and which may be conveyed to Lake Forest school district, shall devolve upon the city council of the city of Lake Forest; and they shall have power to appoint, at their first meeting after their annual election, in each year, a general superintendent of public schools, for said city of Lake Forest, whose term of office shall be for one year and until his successor

shall be duly elected and qualified; and his duties and the amount of salary shall be defined by the city council of the city of Lake Forest: *Provided, however*, that the said salary shall at no time be paid out of the school fund belonging to said Lake Forest school district. And said city council shall have power to make all laws and ordinances, necessary and proper for the management of said common schools, not inconsistent with the constitution of this state.

§ 16. The territory embraced within the bounds of the city of Lake Forest, is hereby declared the city school district; and the township funds and estate, real and personal, belonging to townships forty-three and forty-four, range twelve east, shall be divided between the city of Lake Forest and the portions of said townships lying without the city of Lake Forest, as follows: The trustees of schools of townships forty-three and forty-four, range twelve east, shall, within three months from and after the passage of this act, appoint three respectable householders, one from the city of Lake Forest, one from township forty-three north, of range twelve east, and one from township forty-four north, of range twelve east, in said Lake county, who, or a majority of whom, after being duly sworn well and truly to perform their duty, shall ascertain, as nearly as may be, the number of white persons under the age of twenty-one years, residing within said townships forty-three and forty-four north, of range twelve east, both within and without the limits of said city of Lake Forest, and they shall divide and apportion the aforesaid townships funds and estates, according to the number of children under the age aforesaid, residing in said townships, within and without said city of Lake Forest, and shall pay over and deliver to said city the distributive share of the said townships funds and estates, aforesaid, to which the said Lake Forest school district may be entitled, according to the number of white persons, under the age aforesaid, residing in said townships, within and without the limits of said city, respectively; and the said commissioners shall have power to make their deed of partition, and convey to the city of Lake Forest its distributive share of the real estate belonging to the school fund of said townships aforesaid; and in case the commissioners appointed as aforesaid, shall refuse or neglect to perform the duties aforesaid, within one month from the time of their appointment, the trustees of schools of said townships shall have power to appoint others in their stead, either in or out of said city of Lake Forest, who shall, in like manner, perform the duties assigned to the first mentioned commissioners; and said trustees shall have power to make appointments and fill vacancies in the same, until the objects of this act are carried into effect: *Provided*, the same shall be done within twelve months from and after the passage of this act.

School superintendent.

School district.

Division of school property.

§ 17. The trustees of schools of said townships forty-three and forty-four north, range twelve east, shall, upon such partition being made, pay over and deliver to the city of Lake Forest, the funds and deeds to which said Lake Forest school district may be entitled, according to the division and distribution aforesaid, and shall take from the clerk of the city of Lake Forest a receipt for the same. All district school houses in said city of Lake Forest, which have been built by taxation or voluntary contribution, shall be and remain the property of the city, for school purposes, and not subject to partition, as provided in the preceding section; but the same shall be, by said commissioners, conveyed to the said city, in the same manner as the property which may be by them partitioned and set off to said city, as heretofore provided.

Abstract of number of children.

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

Fire companies.

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

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

Levy and collection of taxes.

§ 21. The city council shall have power to provide, by ordinance, that all taxes levied, assessed and collected, un-



der and by virtue of the provisions of this act, shall be assessed and collected by the officers whose duty it shall be, by general law, to assess and collect the state and county tax for townships forty-three and forty-four north, range twelve east, in said Lake county. If the said city council shall wish to have said city taxes so assessed and collected, it shall be their duty to inform the clerk of the county court, as soon as convenient after the assessment is made in each year, for state and county purposes, of the rate per cent. of taxation levied by them for city purposes for said year; and it shall, thereupon, be the duty of said county clerk to carry out each and extend said tax upon the books of the assessor and collector in the same manner that he is now required by law to carry out and extend the district school tax, against the name of each tax payer, whether resident or nonresident, 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 said 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 Lake county, against lands and lots in said city, for nonpayment of taxes due the state and county, shall, at the same time, include in the same judgment for any and all taxes which may be due said city. For his services in carrying out, adding and extending said tax in the books of the assessor and collector, said clerk of the county court shall receive one per cent. on the amount of tax collected. The collector shall receive the same compensation which may be allowed by law for the collection of state and county taxes, and shall be liable, on his official bond, for the payment of all such city tax by him collected. The fees of the clerk and collector to be paid out of the taxes thus collected.

Collector's compensation.

§ 22. That so much of the act entitled "An act to establish and maintain common schools," and all other acts and parts of acts coming in conflict with the provisions of this act, so far as relates to said Lake Forest school district, is hereby repealed.

§ 23. This act to take effect from and after its passage: *Provided*, that an election shall be held in said city of Lake Forest, upon the question of adopting or rejecting this charter; and if a majority of the voters at such election shall be for rejecting this charter, then the same shall be null and void.

APPROVED February 21, 1861.

**In force February 22, 1861.** AN ACT to amend an act entitled "An act to incorporate the City of La Harpe," approved February 24th, 1859.

Change of boundaries.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That so much of section number two, of article number one, of said act, to which this is an amendment, as specifies the boundaries of said city of La Harpe, be and the same is hereby amended as follows, to wit: Beginning at the southwest corner of section sixteen, in township seven north, of range No. five west of the fourth principal meridian, in Hancock county, and state of Illinois, thence, south, along the west line of section twenty-one and the west line of the northwest quarter of section twenty-eight, to the southwest corner of said quarter; thence, east, to the center of section twenty-seven; thence, north, to the center of the south line of section fifteen; thence, west, to the place of beginning, containing and including all of section twenty-one, and the north half of section twenty-eight, and the northwest quarter of section twenty-seven, and the west half of section twenty-two. Anything in the said act to which this is an amendment, which conflicts with this act, is hereby repealed.

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

APPROVED February 22, 1861.

## CHARTER OF THE CITY OF MORRIS.

**In force February 18, 1861.** AN ACT to incorporate the City of Morris, in the county of Grundy, and State of Illinois.

### CHAPTER I.

#### BOUNDARIES AND TITLE.

City limits.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the district of land, in the county of Grundy, and state of Illinois, known and described as follows, to wit: Beginning at the northeast corner of section number three, (3,) in township number thirty-three north, of range number seven (7) east of the third principal meridian, running thence, west, two (2) miles, to the northwest corner of section number four, (4;) thence, south, along the west line of sections number four (4) and nine, (9,) to a point ten (10) rods south of the south line of low water mark of the Illinois river; thence, in an easterly direction, following the course of said river, ten (10) rods south of the south line of low water mark of the same, to the east line of section number ten, (10;) thence,

north, along the east line of sections number ten (10) and three, (3,) to the place of beginning, be and the same is hereby incorporated and enacted into a city, by the name of "Morris."

§ 2. Whenever any territory or tract of land, adjoining the said city of Morris, shall hereafter be subdivided or laid off into city or town lots, and duly recorded, as is required by law, the same shall be annexed to and form a part of said city; and the provisions of this act shall be and they are hereby declared to be applicable to the same. Additions.

§ 3. That the resident inhabitants of said city shall be and they are hereby constituted, and shall hereafter continue, forever, to be a body politic and corporate, by the name and style of "Morris;" and by that name shall be known, in law, and have perpetual succession; and may sue and be sued, plead and be impleaded, defend and be defended, in all courts of law and equity, and in all actions and matters whatsoever; may purchase, receive, hold and enjoy real and personal property, and choses in action, within and without the limits of said city, for the use of the inhabitants thereof, and may sell, lease, convey, and dispose of the same, for the benefit of said city or the inhabitants thereof, and may improve and protect such property; may have and use a common seal, and alter the same at pleasure; and may do all other acts, as natural persons, which may be necessary to carry out the powers hereby granted. Corporate name and powers.

§ 4. The city of Morris shall be and is hereby divided into four wards, as follows, to wit: Wards of the city.

FIRST WARD.—All that portion of said city, which lies south of Washington street and Tremont avenue, shall be and is hereby established as and denominated the First Ward.

SECOND WARD.—All that portion of said city, which lies north of Washington street and Tremont avenue, west of Liberty street and south of the Chicago and Rock Island railroad, shall be and is hereby established as and denominated the Second Ward.

THIRD WARD.—All that portion of said city, which lies north of Washington street, east of Liberty street, and south of the Chicago and Rock Island railroad, shall be and is hereby established and denominated the Third Ward.

FOURTH WARD.—All that portion of said city, which lies north of the Chicago and Rock Island railroad, 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.



## CHAPTER 2.

## OFFICERS.

- City officers. § 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, a treasurer, an assessor, a surveyor, an attorney, a chief and a first and a second assistant engineers of the fire department, a collector, a street commissioner, and a marshal, who shall be, *ex officio*, collector and street commissioner until such time as the city council shall, by ordinance, otherwise provide: *Provided*, that the city council may elect or appoint such other officers of said city as they may deem advisable, and, by ordinance, prescribe their powers and duties.
- Term of office. § 2. All officers elected or appointed under this act, except aldermen, shall hold their offices for one year and until their respective successors are duly qualified; and all officers elected or appointed to fill vacancies shall hold the offices to which they may be so elected or appointed only for the unexpired term thereof and until the qualification of their successors.
- Aldermen. § 3. The several wards of said city shall be represented in the city council by two aldermen from each ward, who shall be *bona fide* residents thereof, and shall hold their offices for two years from the time of their election and until the qualification of their successors, one of which said aldermen shall be elected in each ward, as hereinafter provided for, at each annual election.
- Salaries. § 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.
- § 5. Any person qualified to vote at any election held under this act shall be eligible to any office in said city.
- Custody of official books and records. § 6. 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 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, &c., appertaining to his office, in the manner prescribed by the laws of this state for the recovery of the possession of personal property.
- § 7. The mayor 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.

§ 8. When a vacancy shall occur in any elective office, vacancy. 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.

§ 9. In case of a vacancy occurring in the office of mayor, Acting 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.

§ 10. Whenever a vacancy shall occur in the office of any person elected or appointed by the city council, 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.

§ 11. 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, Removals from office. except for good cause, nor until first furnished with the charges preferred against him, and heard in his own defense; and the city council shall have the 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 by the council 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 the 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.

§ 12. All persons elected or appointed to office under Official oath. 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.

Official bond.

§ 13. All persons elected or appointed under this act to the office of clerk, treasurer, marshal, collector, and street commissioner, shall, before they enter upon the duties of their respective offices, severally execute to the city of Morris a bond, in such sum and with such sureties as the city council shall 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 bonds 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 3.

#### ELECTIONS.

Annual elections

§ 1. An annual election for all the officers of said city, required to be elected by this act or by any ordinance of said city, shall be held in each of the wards of the city on the first Tuesday in April, in each year, at such places as the city council may appoint. Six days' previous public notice of the time and place of holding such elections shall be given by the clerk, by posting up notices of the same in three public places in each ward, or by advertising the same in the newspaper authorized to publish the ordinances of said city.

Elective officers.

§ 2. At such annual elections there shall be elected, by the qualified voters of said city, a mayor, a treasurer, and one alderman in each ward; and the person receiving the highest number of votes for either of said offices shall be declared elected.

§ 3. When two or more candidates for an elective office shall receive an equal number of votes the election shall be determined by the candidates casting lots, in the presence of the city council.

Judges of election.

§ 4. The judges of election shall consist of one or both of the aldermen of the ward and one clerk, to be chosen by the voters present, from one of their number. If no alderman be present at the time appointed for the opening of the polls, or if the alderman, being present, shall refuse to act, the voters of the ward present shall elect one of their number to act as judge.



§ 5. The judges and clerks of all elections held under this act shall take the same oath and have the same powers and authority as the judges and clerks of general state elections have; and the manner of voting at, conducting and contesting said elections, the opening and closing of the polls, the keeping of the poll-lists, canvassing of the votes and certifying the returns, shall be the same, as nearly as may be, as at general state elections. The returns, certified as above, shall be sealed and returned 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. It shall be the duty of the city clerk to notify all persons elected or appointed to office of their election or appointment.

Manner of holding elections.

§ 6. All officers of said city, whose election is not specially provided for by this act, shall be appointed by the city council, by ballot, at their first meeting after each annual election, or as soon thereafter as practicable.

Appointed officers.

§ 7. Any person, qualified to vote at general state elections, who has been an actual resident of said city for six months and of the ward for ten days, immediately preceding any election, shall be entitled to vote: *Provided*, that such person, if required by any judge of election or qualified voter of said city, shall take the following oath, to-wit: "I do solemnly 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 six months, next preceding the election, and am now and have been for ten days last past a resident of this ward, and have not voted at this election."

Qualification of voters.

§ 8. All special elections shall be held and conducted in the same manner as annual elections; and public notice of holding the same shall be given by the clerk, in the same manner as is herein provided to be given of annual elections.

Special elections.

§ 9. No qualified voter of said city shall be subject to arrest, upon any civil process, within said city, upon the day upon which any election is being held in said city; and all persons, illegally voting at any election held under this act or under any ordinance of the city, shall be prosecuted and punished in like manner and to the same extent as any person may be by the laws of this state for illegal voting at general state elections.

#### CHAPTER 4.

##### POWERS AND DUTIES OF OFFICERS.

§ 1. The mayor shall be the chief executive officer of the city and conservator of the peace therein, and shall have for that purpose, and especially for the suppression of riots and tumults within the limits of said city, all the powers of

Mayor's duties.

the sheriff of the county of Grundy, including the authority to raise the power of the county; which authority shall be obeyed, in the same manner and under the same penalties as that of sheriffs, in like cases. He shall also have all the power necessary to the due execution of the ordinances of the city, when, in such ordinances, he shall be directed to execute the same.

Clerk's duties.

§ 2. The clerk shall keep the corporate seal and all papers and books belonging to the city. He shall be, *ex officio*, clerk of the board of the city council, and, as such, shall keep a full and complete record of all their proceedings; 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 admitted as evidence in all the courts of this state, in like manner and to the same extent as the originals. It shall also be the duty of the clerk to receive all moneys paid to the city, keep an accurate account thereof, in appropriate books provided for that purpose, to pay over the same to the treasurer, as fast as received by him, taking the treasurer's receipt for the same, and charging him therewith. The clerk shall draw all orders on the treasurer 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 the receipts and expenditures of the city, in such a manner as the city council may direct; and he shall, within thirty days after each annual election, make out a full report of all such receipts and expenditures, for the year next preceding; which, when approved by the city council, shall be published in the city newspaper authorized to publish the ordinances of said city. The clerk shall also have power and authority to administer all oaths required by this act to be taken.

Treasurer's duties.

§ 3. The treasurer shall receive from the city clerk all moneys belonging to the city, giving his receipt therefor, and pay the same out on orders signed by the mayor or presiding officer of the council and countersigned by the clerk; of all of which he shall keep a full and accurate account. No moneys shall be drawn from the treasury, except in pursuance of a vote of the council and an order on the treasurer, duly signed by the mayor or the presiding officer of the council and countersigned by the clerk; which said order shall specify for what purpose the same is to be paid. It shall be the duty of the treasurer to exhibit to the city council, at least twenty days before each annual election, and oftener, if required, a full and detailed account of all moneys he has received and paid out since the date of the last annual report.

Assessor.

§ 4. The assessor shall perform all the duties in relation to the assessing of property, for the purpose of levying the taxes imposed by the city council, as hereinafter provided.

§ 5. The collector shall collect all taxes and assessments which may be levied or assessed by the city council, and perform such other duties as may be prescribed by this act or by any ordinance of the city. Collector.

§ 6. The 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 as the city council shall adopt. In the making of plats and surveys, within the city limits, he shall have the same powers as are 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 now or may hereafter be given by law to the acts, plats and surveys of county surveyors. Surveyor's duties.

§ 7. The attorney shall conduct all actions at law or in equity, to which said city may be a party or in which the city is in any manner interested, and, in general, act as legal counselor of the city. Attorney.

§ 8. The marshal shall, within the limits of said city, have the same power and authority which a constable has under the statutes of this state. He shall be a conservator of the peace, within said city, and, for the suppression of riots or affrays, shall have the same power and authority as is given by this act to the mayor of said city, and shall perform such other duties as the council may, by ordinance, prescribe. Marshal.

§ 9. The engineers of the fire department shall perform such duties and be subject to such liabilities as the city council may prescribe. Fire department.

§ 10. The street commissioner shall, under the direction and order of the city council, superintend the opening of streets and alleys, and the grading, improving and repairing of the same, the construction and repairing of bridges, culverts, sewers, crosswalks and sidewalks, and such other duties as this act or the city council may prescribe. Street commissioner.

§ 11. The city council shall have power to require further and other duties of all officers elected or appointed under this act or the ordinances of the city, not conflicting with the duties herein specially set forth.

§ 12. All officers of the city, except the mayor and aldermen, shall, before entering upon the duties of their respective offices, be commissioned, by warrant, under the corporate seal, signed by the mayor or the presiding officer of the city council and countersigned by the clerk. Officers commissioned.

## CHAPTER 5.

### CITY COUNCIL—ITS POWERS AND DUTIES.

§ 1. The city council shall hold one stated meeting in each month, in each year; and the mayor or any two aldermen may call special meetings, by notice to each member, Council meetings



served personally, or left at his usual place of residence or business. Such meetings may be held at such times and places, within the city, as the city council may determine.

§ 2. The mayor, when present, shall preside at all meetings of the city council, and shall have a casting vote only. In his absence the city council shall appoint one of their number to preside. A majority of the aldermen authorized to be elected by this act shall constitute a quorum for the transaction of business, but a less number may meet and adjourn, from day to day, and compel the attendance of absent members, imposing such penalties for nonattendance as they may deem advisable.

Journal.

§ 3. The city council shall keep a journal of its proceedings, and shall have power to determine the rules of its proceedings, punish its members for disorderly conduct, and, with the concurrence of two-thirds of its members, expel a member.

§ 4. The city council shall judge of the election and qualification of its own members, and shall have the management and control of the finances, and of all the property, real, personal and mixed, belonging to said city of Morris, and shall likewise have power, by ordinance:

General powers.

1st: To borrow money, on the credit of the city, and issue the bonds of the city therefor: *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 the interest on the aggregate of all the sums borrowed and outstanding ever exceed one-half of the city revenue arising from taxes assessed on real and personal property within the limits of said city: *Provided, further*, that the city council shall first submit all proposals to borrow money to a vote of the legal voters of said city, and which shall be approved by a majority of the voters voting at such election, before any money shall be borrowed as aforesaid.

2nd: To appropriate money and provide for the payment of the debts and expenses of the city.

3rd: To make all needful rules and regulations to prevent the introduction and spread of infectious or contagious diseases within the city.

4th: To establish hospitals and make regulations for the government of the same.

Sale of liquors.

5th: To tax, license, regulate or prohibit the selling or giving away of any spirits, wines or other liquors, whether ardent, vinous or fermented, by any person.

6th. 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 parent, guardian or master.

7th: To license, tax, regulate, suppress or prohibit billiard or bagatelle tables, pin alleys, nine or ten-pin alleys, and ball alleys, or other gaming tables or alleys.

8th : To tax, license, regulate or suppress hackmen, draymen, carters, porters, omnibus drivers, cabmen, packers, carriers and all others who may pursue like occupations, with or without vehicles, and prescribe their compensation.

9th : To tax, license and regulate auctioneers, distillers, brewers and pawnbrokers.

10th : To license, tax, regulate or suppress hawkers and peddlers.

11th : To license, tax, regulate or prohibit all exhibitions of common showmen, shows of every kind, concerts or other musical entertainments by itinerant persons or companies, exhibitors of natural or artificial curiosities, caravans, circuses, theatrical performances, and all other exhibitions or amusements. Issuing of licenses.

12th : To authorize the mayor or other proper officer of the city to grant and issue licenses for any or all of the above purposes, and direct the manner of issuing and registering the same, and the fees to be paid therefor : *Provided*, no license shall be granted for a longer term than for one year nor for a sum less than three dollars nor more than five hundred dollars : *And, provided, further*, that no license shall be granted for the selling or giving away of wines or other liquors, whether ardent, vinous or fermented, either at wholesale or retail, or in any quantities, either by innkeepers or any other person or persons, as aforesaid, for a sum less than fifty dollars, and then, and in that case, a bond, with sureties, to be approved by the city council, shall be taken, binding the person or persons receiving such license to a due observance of the laws and ordinances of the city regulating such matters.

13th : To suppress, restrain or prohibit all descriptions of gaming and fraudulent devices, and all playing of dice, cards and other games of chance, with or without betting ; all disorderly houses and groceries, houses of ill fame, billiard tables, nine or ten-pin alleys or other tables or alleys, and to authorize the destruction and demolition of all instruments and devices used for the purpose of gaming. Disorderly houses &c.

14th : To compel the owner or occupant of any grocery, cellar, tallow chandler's shop, soap factory, tannery, stable, barn, privy, sewer or other unwholesome, nauseous house or place, to cleanse, remove or abate the same, from time to time, as often as may be necessary for the health, comfort and convenience of the inhabitants of the city.

15th : 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 or prohibit, within the city and the distance of two miles therefrom, distilleries, slaughtering establishments, establishments for steaming 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.

City buildings  
and grounds.

16th: To erect market houses and to establish markets and market places and provide for the government and regulation of the same.

17th: To provide for the erection of all needful buildings for the use of the city.

18th: To provide for inclosing, improving and ornamenting all public grounds belonging to the city.

19th: To direct the location and management of houses for the storing of gunpowder, tar, pitch and rosin and other combustible materials, or prohibit the same.

20th: To prevent the incumbering of the streets, sidewalks, lanes, alleys and public grounds of the city with any article or substance whatever.

Sidewalks.

21st: To cause cross and sidewalks, main drains and sewers, private drains, and aqueducts, to be constructed and laid, relaid, cleansed and repaired.

22nd: To cause all persons or occupants of premises to build sidewalks and keep the same in repair in front of said premises, and, when not built according to the orders of the city council, to build and repair the same, and assess the costs thereof against said premises, and collect the same, as other city taxes are collected.

23rd: To compel all persons to keep the snow, ice, dirt and all other rubbish from the sidewalk in front of the premises owned or occupied by them.

24th: To direct and regulate the planting and preserving of ornamental and shade trees in the streets, alleys and public grounds.

25th: To fill up, drain, cleanse, alter, relay, repair and regulate any lots, blocks, grounds, yards, barns, slips, cellars and private drains, sinks and privies, direct and regulate their construction, and cause the expenses to be assessed on the premises benefited thereby, and to collect the same, in the same manner as other city taxes.

26th: To prevent horse racing and immoderate riding or driving in the streets, lanes, avenues or alleys, and to punish or prohibit the abuse of animals.

27th: To compel persons to fasten their horses, oxen or other animals, while standing or remaining in the streets, lanes, avenues or alleys.

28th: To regulate and determine the times and places of bathing and swimming in the canal, river or other waters, in or adjoining said city, and to prevent any obscene or indecent exhibition, exposure or conduct.

29th: To restrain and punish vagrants, mendicants, street beggars and prostitutes.

Running at large  
of stock.

30th: To restrain, regulate or prohibit the running at large of cattle, horses, asses, mules, swine, sheep, goats and



geese, and to authorize the distraining, impounding and sale of the same, for all penalties and costs incurred.

31st: To prevent or regulate the running at large of dogs, and to authorize the destruction of the same when at large.

32nd: To prevent or 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 street or on the sidewalks or to frighten teams or horses.

33rd: 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, amusement or otherwise.

34th: To provide the city with water, and to erect hydrants, cisterns and public wells and pumps.

35th: To prevent the dangerous construction and condition of chimneys, fire-places, hearths, ovens, stoves, stove-pipes, engines, boilers and other apparatus used in and about any building or manufactory, and cause the same to be removed and placed in a safe and secure condition, when considered dangerous. Prevention of fires.

36th: To require the inhabitants to provide as many fire buckets, and in such manner and time as they shall prescribe where they shall be kept, and to regulate the use of them in times of fire.

37th: To regulate or prohibit the use of firearms and all kinds of fireworks.

38th: To compel the owners or occupants of houses and other buildings to have suitable scuttles in the roofs, and stairs or ladders leading thereto.

39th: To provide for the prevention and extinguishment of fires; to procure fire engines and other fire apparatus, and to appoint, organize and equip fire, hook and ladder, hose, bucket and ax companies, and prescribe their powers and duties.

40th: To authorize the mayor, aldermen, fire wardens and 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 all other persons to aid in extinguishing fires and preserving property.

41st: To establish bridges, erect and keep the same in repair.

42nd: To provide for lighting the streets and erecting lamp posts. Lighting streets.

43rd: To establish, regulate and appoint policemen and night watches, and prescribe their powers and duties.

44th: To provide for taking the enumeration of the inhabitants of the city.

45th: To fix the compensation and regulate the fees of jurors, witnesses and others for services rendered under this act or any ordinance.

46th: To regulate the measuring of wood and the weighing and selling of coal and hay, and the place and manner of selling the same.

47th: To appoint inspectors, weighers and gaugers, and regulate their duties and prescribe their fees.

48th: To abate all nuisances, and to do all acts and make all regulations which may be necessary for the preservation of the public health.

49th: To authorize the taking up and provide for the safe keeping and education of all children who are destitute of proper parental care, wandering about the streets, committing mischief, and growing up in mendicancy, ignorance, idleness or vice.

By-laws and ordinances.

50th: The city council shall have power to make, publish, ordain, amend and repeal all such ordinances, by laws and police regulations as may be necessary for the good government and order of the city and the trade and commerce thereof, and to enforce the same, by fine or imprisonment, or by both: *Provided*, such fine shall not exceed one hundred dollars, and such imprisonment shall not exceed six months for one offense.

## CHAPTER 6.

### REVENUE, ASSESSMENT AND COLLECTION.

Tax.

§ 1. The city council shall have power to levy and collect, annually, taxes, not exceeding twenty mills on each dollar of the assessed value of all real and personal estate and property within the city of Morris, and all the personal property of the inhabitants thereof made taxable by the laws of this state for state purposes, which taxes shall constitute a general fund.

§ 2. The city council shall provide, by ordinance, for the assessment, levy and collection of taxes, in pursuance of the foregoing section of this chapter, and shall have full power and authority to provide, by ordinance, for the obtaining of judgments for delinquent taxes and the advertisement and sale of property, real and personal, for such delinquent taxes, and the conveyance and confirmation of titles thereto, not inconsistent with the constitution of this state.

## CHAPTER 7.

### STREET OR POLL TAX.

Street labor and tax.

§ 1. Every male inhabitant, residing within the limits of the city of Morris, except such as are exempted by this act, between the ages of twenty-one and sixty years, shall labor three days in each year upon the streets and alleys of said city; but any person may, at his option, pay in lieu thereof, to the street commissioner, one dollar and fifty

cents: *Provided*, the same shall be paid on or before the first day of the three days upon which he may be notified to labor, as aforesaid, by the street commissioner. In default of payment, or labor as aforesaid, the sum of three dollars may be collected, and no offset shall be allowed.

§ 2. It shall be the duty of the street commissioner to report to the city council the name of every person who shall neglect or refuse to labor or pay as aforesaid, within thirty days after neglect or refusal, together with the time and manner of notification; and the city council shall forthwith pass an order, authorizing and directing that a warrant shall issue, signed by the mayor or acting mayor and city clerk, with the corporate seal attached thereto, directed to the marshal, commanding him to collect said sum of three dollars, with costs, of each and every individual whose name shall appear on the list returned by the street commissioner as having so refused or neglected to pay or labor. The oath of the street commissioner shall be deemed sufficient evidence of the notice required by this chapter.

Street commissioner's duty.

§ 3. And the city marshal is hereby authorized and empowered and required, after receiving said warrant, to collect said poll or street tax, in the same manner and with the same authority as is given by this act to collectors to collect other taxes of the city.

§ 4. All money collected for poll or street tax, either by the street commissioner or marshal, shall be immediately paid over to the city clerk, the clerk giving his receipt therefor and entering the same upon the city books.

## CHAPTER 8.

### STREETS AND ALLEYS.

§ 1. The city council shall have power to establish, open, vacate, alter, widen, extend, straighten, grade, pave, plank or otherwise improve and keep in repair streets, alleys, avenues and lanes, in said city.

§ 2. When it shall be necessary to take private property for opening, widening or altering any public street, lane, avenue or alley, the city shall make a just compensation to the person or persons whose property is taken; and if the amount of such compensation, cannot be agreed on the city council shall cause the same to be ascertained, by a jury of six disinterested freeholders of the city: *Provided*, that when the owners of all the property on a street, lane or avenue or alley, proposed to be opened, widened or altered, shall petition therefor, no compensation shall be made to those whose property shall be taken.

Condemnation of property.

§ 3. The *venire* for a jury, in any case under this chapter, shall be issued by the city clerk, and directed to the marshal, who shall execute and return the same, with his indorsement thereon how and in what manner he served the same.



§ 4. All jurors empaneled to inquire into the amount of benefits or damages which shall happen to the owner or owners of property proposed to be taken for opening, widening or altering any street, lane or alley, shall first be sworn to that effect, and shall return to the city clerk their inquest, in writing, signed by each juror.

Amount of damages.

§ 5. In ascertaining the amount of compensation to be made to the owners of any 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 accruing to such property or the owner thereof.

§ 6. The city council shall have power, for good cause shown, within thirty days after any inquest shall have been returned, as aforesaid, to set the same aside and cause a new inquest to be made.

§ 7. Each public road within the limits of the city shall be considered and treated as a street.

Special taxes.

§ 8. The city council shall have power, by ordinance, to levy a special tax on the lands or lots situated on any or part of any street, lane, avenue or alley, according to their respective fronts, for the purpose of paving, grading, planking or lighting said streets, lanes, alleys or avenues, in front of the same, and to collect said tax in the same manner as other city taxes are collected.

## CHAPTER 9.

### MISCELLANEOUS PROVISIONS.

Ordinances.

§ 1. The style of all ordinances passed by the city council, shall be, "*Be it ordained by the city council of Morris,*" 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.

Approval of the mayor.

§ 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 signed it.

Reconsidering of votes.

§ 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.

§ 4. Neither the mayor nor the city council 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.

§ 5. 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 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, or any other competent proof of such publication, shall be conclusive evidence of the fact of publication and promulgation of such ordinance, regulation or by-law, in all courts or places.

Publication of laws.

§ 6. The city of Morris shall not be required to give security for costs in any appeal or other suits to which said city may be a party.

§ 7. The members of the fire department shall, during their term of service as such, be exempt from serving on juries in all courts of this state, and from working out or paying any poll or street tax. 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 said clerk, made within the year the exemption is claimed.

Fire department.

§ 8. No member of the city 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 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 whereof are to be paid under any ordinance of the city council.

§ 9. The city council shall designate one newspaper, printed and published within said city, in which shall be published all ordinances and laws and all other matters, the publication of which are required by this act or the ordinances and laws of the city.

Publication of laws.

§ 10. The city council shall have power to designate two or more justices of the peace, in said city, who shall have jurisdiction in any actions for the recovery of any fine or penalty under this act or any ordinance, by-law or police regulation of the city council, any thing in the laws of this state to the contrary notwithstanding. Such justices shall have power to fine or imprison, or both, in their discretion,

Recovery of fines.

where discretion may be vested in them, by the ordinance, or regulation, or by this act.

§ 11. Execution may issue immediately on the rendition of judgment. If the defendant have no goods or chattels, lands or tenements whereof the judgment can be collected the execution shall require the defendant to be imprisoned in the jail of Grundy county, for a term not exceeding six months, in the discretion of the magistrate or court rendering judgment; and all persons who may be committed under this section shall be confined one day for each fifty cents of such judgment and cost.

§ 12. All fines collected for and on behalf of the city shall be forthwith paid to the city clerk by the person collecting the same.

§ 13. No person shall be an incompetent judge, justice, witness or juror, by reason of his being an inhabitant or freeholder in the city of Morris, in any action or proceeding in which the said city shall be a party in interest.

Form of action.

§ 14. 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, 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.

§ 15. In all prosecutions for any violation of any ordinance, by-law, police or other regulation or this act, the first process shall be a summons, unless oath or affirmation be made for a warrant, as in other cases.

§ 16. 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 commit them to the county jail, and there detain them until an examination can be had before the proper officer, and shall have and exercise such other powers, as conservators of the peace, as the city council may prescribe.

Former laws.

§ 17. All ordinances, by-laws, regulations and resolutions, now in force in the city of Morris, and not inconsistent with this act, shall remain in force, under this act, until altered, modified or repealed by the city council created by this act, after this act shall take effect. And all actions, rights, fines, penalties, and forfeitures, in suit or otherwise, which have accrued under the act incorporating the city of Morris, shall be vested in and prosecuted by the corporation hereby created. And all property, real, personal or mixed, or choses in action, belonging to the city of Morris, is hereby vested in the corporation created by this act.

§ 18. All ordinances of the city, when printed and published by authority of the city council, shall be received in all courts, without further proof.



§ 19. All officers of the city of Morris, now in office, shall, respectively, continue in the same, until superseded in conformity to the provisions hereof, but shall be governed by the provisions of this act.

§ 20. This act shall not invalidate any legal act done by the common council of the city of Morris, 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.

§ 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.

§ 22. The act entitled "An act to incorporate the city of Morris, in Grundy county," passed February 18th, 1857, be and the same is hereby repealed, on the adoption of this act, as hereinafter provided.

§ 23. This act shall not become a law, until it shall first be submitted to the legal voters of the city of Morris, for their adoption or rejection, in the manner following: The city council of the city of Morris shall, at the earliest opportunity, after the passage of this act, appoint a time for the holding of an election of the legal voters of said city; of which ten days' notice shall be given in the newspaper in said city in which the official acts and proceedings of said city are published. Said election to be held and conducted in other respects, in accordance with the ordinances of said city regulating elections. Those voting for this act, shall vote a written or printed ballot, on which shall be the words "For New Charter," and those voting against it shall vote a written or printed ballot, on which shall be the words, "Against New Charter." If a majority of the votes at said election be "For New Charter," then this act to become a law from and after said election; but if a majority of the votes at said election shall be "Against New Charter," then this act shall not become a law.

APPROVED February 18, 1861.

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AN ACT to amend the charter of the City of Metropolis.

In force February  
21, 1861.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That all white male citizens of the state of Illinois, over the age of twenty-one years, who have been residents of said city, three months prior to any election, and all white male inhabitants over the age of twenty-one years, who have resided in said city twelve months prior to any election, shall be legal voters:

Qualification of  
voters. of

*Provided*, that said voters shall give their votes for mayor and aldermen in the wards in which they shall respectively live, and in no other way; and no vote shall be received at any election in said city 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; and section two, of article four, of an act to amend an act entitled "An act to incorporate Metropolis City," approved February 18th, 1859, is hereby repealed.

§ 2. That section 5, of article 9, of said act, is hereby amended, by adding the words "and December" after the word "May;" and the statement mentioned in said section shall be published in a newspaper in said city.

Collection  
fines.

of § 3. That all of section 10 and the last clause of section one, of article 9, of said act, are hereby repealed; and all fines collected before the city judge or any justice of the peace, in said city, shall be paid into the city treasury.

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

APPROVED February 21, 1861.

In force February  
22, 1861.

#### AN ACT to amend the City charter of Macomb.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That section six, of article two, of the city charter of the city of Macomb, in this state, be and the same is hereby so amended as to read as follows, to-wit: "SECTION 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, or as soon thereafter as they shall deem it expedient. Any vacancy occurring in any other office, may be filled by appointment of the city council."

§ 2. All acts or parts of acts, inconsistent herewith, are hereby repealed.

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

APPROVED February 22, 1861.

In force February  
22, 1861.

#### AN ACT to amend an act entitled "An act to incorporate the City of New Boston," in force February 21, 1859.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That there shall be elected by the legal voters of the city of New Bos-

ton, on the first Monday of March next, and every four years thereafter, a police magistrate for said city. Said election to be conducted, in all respects, the same as the election for other city officers. Election of police magistrates.

§ 2. Said police magistrate, when elected, shall be commissioned and qualified in the same manner as justices of the peace are, and shall have equal jurisdiction in the county of Mercer, with other justices of the peace of said county; and he shall, also, have jurisdiction, in all cases arising under the ordinances of said city; and said magistrate shall be entitled to exercise the same powers and shall have the same emoluments and fees as justices of the peace are entitled to for similar services, and to be collected in the same manner: *Provided*, the city council may make such additional allowance to said magistrate as they may deem just and expedient.

§ 3. The criminal jurisdiction of said police magistrate shall extend to all penalties and offenses arising under any ordinance of said city; and he shall also have, in addition thereto, the same criminal jurisdiction that justices of the peace have. Jurisdiction.

§ 4. In all cases arising under the statutes of the state of Illinois, within the jurisdiction of justices of the peace, a change of venue shall be allowed from said police magistrate to the nearest justice of the peace, to be applied for in the same manner and granted on the same condition and in the same manner as changes of venue from justices of the peace now are. Change of venue.

§ 5. The city marshal of said city, and all constables of the county of Mercer, and all police constables of said city, respectively, shall be, and are hereby authorized to execute all process and orders issued or made by said police magistrate.

§ 6. Appeals shall be allowed from the decision of said police magistrate, in all cases, to be applied for and taken in the same manner that appeals from justices of the peace may be taken. Appeals.

§ 6. In case of the death, resignation or removal from the city, of the said police magistrate, his office shall be deemed thereby vacated; and such vacancy shall be filled by special election for that purpose, notified and conducted in the same manner as is now provided by law, for special elections for justices of the peace.

§ 7. That the city council of the said city of New Boston shall have power to establish, erect, make, regulate and repair public wharves, docks, slips and landing places, within said city, and provide for the levying and collecting of wharfage thereat, and to assign landing places for steamboats and other crafts and vessels; and shall have power to prescribe rules and regulations for watermen, boatmen and all other persons landing boats or vessels of any description and trans- Establishment of docks, wharves, &c.



acting business at such wharves, docks, slips, and landing places.

§ 8. The said city council shall have power to regulate the erection and repair of private wharves, docks, slips and landing places in said city, and to fix the rates of wharfage thereat, and to compel the owners thereof, or persons using the same, to pay a license therefor.

Ferry license.

§ 9. The said city council shall have the exclusive power to grant license to ferries across the Mississippi river, the landing place of which shall be within the corporate limits of said city, and under such rules and regulations, and at such rates, as they may ordain.

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

APPROVED February 22, 1861.

In force February 20, 1861. AN ACT to amend an act entitled "An act to charter the City of Ottawa," approved February 10th, 1853.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That on the third Monday of March next, and on the third Monday of March, in each year thereafter, an election shall be held in each ward of said city, for one mayor for said city, and for one alderman for each ward. The mayor shall be a resident of the city, and the aldermen of the wards for which they are respectively elected; and each shall hold his office until his successor is elected and qualified. Section one of article four, of an act entitled "An act to charter the city of Ottawa," approved February 10th, 1853, is hereby repealed.

Annual elections.

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

APPROVED February 20, 1861.

In force February 18, 1861. AN ACT to amend an act entitled "An act to establish free schools in the City of Ottawa, in the County of La Salle."

Board of education.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That, on the first Tuesday of March next, there shall be elected, by the voters of each ward, qualified to vote for aldermen, two directors, residents of said ward; all of said directors, so elected, to constitute the board of education of said city. It shall be the duty of the city council, within three months next after said election, to divide said directors, by lot, into two classes. The terms of office of the first class shall

expire at the end of one year, and that of the second class at the end of two years, so that there shall be an election in each ward, annually, thereafter, on said first Tuesday of March, by the qualified voters of each ward, of one director, whose term of office shall be two years. When a vacancy shall occur there shall be an election to fill it; and whenever new wards shall be created there shall be an election of two directors, whose term of office shall expire at the same time as that of the other directors. And the voters of said new wards shall, at the first election, designate in their ballots which director shall be for the long term and which for the short term. Said election shall be held and conducted and returns thereof made, in all respects, as is now provided in this chapter in relation to the election of aldermen. And in case of a tie the proceeding shall be the same as is now provided in the case of aldermen. It shall be the duty of the mayor to give at least ten days' notice of each election, by publishing a notice of the time and place thereof in one or more of the city papers; but the omission of the mayor to give notice of an election, which is to take place on a day fixed by this act, shall not render such election illegal.

Vacancies.

§ 2. The president of the board of education shall hold his office for one year; the clerk and treasurer of said board shall hold their offices for two years, and until their successors are appointed and qualified.

Term of office.

§ 3. The minimum age for admission to the school shall be six years.

§ 4. All prior acts and parts of acts, in conflict with the provisions of this act, are hereby repealed.

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

APPROVED February 18, 1861.

AN ACT to provide for supplying the City of Ottawa with sweet and whole- In force February  
some water. 20, 1861.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That John D. Caton, and his associates, are hereby created a body corporate, by the name of "The Ottawa Water Works;" and for that purpose are hereby invested with all the requisite and necessary powers to carry out the purposes of this act.*

§ 2. The said corporation is hereby empowered to supply citizens and corporations of the city of Ottawa with water conveyed through pipes or other conduits, upon such terms and conditions as may be agreed upon; and for this purpose the said corporation is authorized to enter upon and

Supply of water.

use, excavate and open any streets, alleys and highways in the said city, and in the vicinity, and within three miles thereof, and to place pipes and conduits in and upon the said streets, alleys and highways, doing no unnecessary damage thereto, and restoring the said streets, alleys, and highways to their former condition, as near as may be, without unnecessary delay; and, also, when it shall be deemed necessary for the purpose of increasing the supply of water, or for the purpose of laying such pipes or conduits, or constructing reservoirs, to enter into and upon any lots or lands and excavate the same, for the purposes aforesaid, and for repairing such pipes or conduits, paying to the owner or owners thereof such damages as may be thereby occasioned to the land thus entered upon, to be fixed and ascertained as damages for right of way now are under any act now in force in this state for that purpose.

Right of way for  
laying pipes.

Amount of capital  
stock.

§ 3. The capital stock of the said incorporation shall not exceed one hundred thousand dollars, to be divided into shares of one hundred dollars each; and the said stock, and the business and management of the said corporation shall be controlled, regulated and managed under the by-laws which may be passed by the said corporation, and which shall not be inconsistent with the laws and constitution of this state or of the United States: *Provided*, this company shall acquire no rights, by virtue of this act, over and across the Illinois river bridge, at Ottawa, or the approaches thereto, except upon terms agreed upon.

APPROVED February 20, 1861.

In force February  
20, 1861.

#### AN ACT to amend the charter of the City of Pekin.

Streets and alleys.

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 Pekin shall have power to lay out streets, alleys, lanes and highways, and to alter, widen, contract, straighten and discontinue the same, within the limits of said city; and shall have the power to assess the damages and recompense due the owner or owners of lots or land, for right of way, and all other expense of any such improvement, upon the lots and real estate benefited by the improvement, in proportion, as nearly as may be, to the benefits resulting to each parcel of land.

Damages occa-  
sioned by open-  
ing streets, &c.

§ 2. Whenever any street, lane, alley or highway, or whenever any altering, straightening or widening the same shall be deemed necessary by the common council of said city, the said council shall pass an order or resolution declaring the commencement, general course and terminus of



such street, lane, alley or highway. Such order shall specify what part thereof is to be altered, straightened or widened; and after the passage of such resolution said council shall give notice, by publication in some public newspaper published in said city of Pekin, of their intention to appropriate and take land, necessary for such improvement. At any time, after publishing such notice, as aforesaid, for three successive times, it shall be lawful for said council to choose, by ballot, three disinterested freeholders, residing in said city, as commissioners, to ascertain and assess the damage and recompense due the owners of such land, respectively; and at the same time determine what property will be benefited by such improvement, and assess the damage and expense thereof on the real estate so benefited, in proportion, as nearly as may be, to the benefits resulting to each lot or parcel of property.

§ 3. The commissioners shall be sworn faithfully to execute their duty, to the best of their ability; and, before entering upon their duties, shall give five days' notice to all persons who are residents of said city and who are known to them to be interested in the proceedings; which notice may be given to such person or persons personally or by leaving the same at his, her or their usual place of abode, of the time and place of their meeting for the purpose of viewing said premises. But if any person or persons, known to said commissioners, are not residents of said city, notice of the time and place of their meeting shall be published twice in some newspaper published in said city; the first publication to be at least twenty days before the time of meeting. Said commissioners shall view the premises and receive any legal evidence, and may, if necessary, adjourn from day to day.

Commissioner's  
duty.

§ 4. The commissioners, in making their assessment, shall determine and appraise to the owner or owners the value of the real estate appropriated for such improvement and the injury arising to them, respectively, from the condemnation thereof; which shall be awarded to such owner or owners, respectively, as damages, after allowing therefrom for any benefit which such owner or owners may derive from such improvement. In estimating such damage the commissioners shall include the value of the buildings, (if the property of the owner of such land.) If the damage estimated to any person be greater than the benefits received from such improvement, or if such benefit be greater than such damage, in either case the commissioners shall strike a balance and carry the difference forward to another column, so that the assessment may show what is to be received or paid by the owner or owners, respectively, and the difference only shall, in any case, be collectable of them or paid to them.

Appraisement.

§ 5. If the lands and buildings belong to different persons, or, if the land be subject to lease or mortgage, the

injury done to such person or persons, respectively, may be awarded to them by the commissioners, less the benefits resulting to them, respectively, from the improvement.

Award of omnis-  
sioners.

§ 6. Having ascertained the damages and expense 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 benefits resulting thereto from the improvements, as nearly as may be, and shall describe the real estate upon which their assessment shall be made. When completed the commissioners shall sign and return the same to the common council of said city, within forty days after their appointment.

Removal of build-  
ings.

§ 7. If there should be any building standing, in whole or in part, upon the land to be taken, the commissioners shall also estimate the value of the building to the owner, aside from the value of the land, and the injury in having such building taken from him, and the value of such building to him to remove; and if such owner shall be willing to remove such building he shall be allowed such time for that purpose as the commissioners shall allow; but if the owner shall refuse to remove the building or take it at the value put upon it by the commissioners, for the purpose of removal, said commissioners shall sell such building, at public or private sale, for cash; and the proceeds shall be paid to the owner or deposited to his use; and the amount for which such building shall be sold shall be paid to him or deposited to his use; the same shall be deducted from the amount of damages assessed to him for lands and building, both, as specified in the 4th section of this act, and the difference only shall be paid to such owner or owners.

Notice of confir-  
mation by coun-  
cil.

§ 7. When the assessment has been returned by the commissioners the clerk of said city shall give notice, by at least two publications in some newspaper published in said city, that said assessment has been returned, and that on a certain day, in said notice to be named, said assessment will be confirmed by the common council of said city, unless objection be made by some person interested. Objections may be heard before the council, and they may adjourn the hearing, from day to day, and shall have power to annul said assessment, in whole or in part. If the whole is annulled, or the whole proceedings, if confirmed, an order to that effect shall be entered. If annulled, in part or confirmed in part, an order to that effect shall be entered; and said council may refer said matter back to said commissioners, or any part thereof; and in such case the commissioners shall proceed, in all respects, as upon their first appointment; and upon notice, as above required, the council may confirm or annul, as in this act specified in regard to the first return of the commissioners. Said council shall have power to remove commissioners, and, from time to time, appoint others in the

place of such as may be removed, refuse or neglect or be unable, from any cause, to serve.

§ 8. Any person interested may appeal from any final order confirming the assessment of such commissioners, in whole or in part, of any final order directing the opening or widening or straightening any street, lane, alley or highway, to the circuit court of Tazewell county, by notice, in writing, to the mayor or clerk, at any time before the expiration of thirty days from the passage of such final order. In case of appeal the common council shall, within thirty days after notice of such appeal, make a return of all the proceedings. And the court shall, at the next term after the return filed in the office of the circuit clerk of said county, hear and determine such appeal, and confirm or annul the proceedings. When such assessment shall be confirmed, in whole or in part, by the common council of said city, and no appeal shall be taken, or when such assessment, upon appeal, shall be confirmed, in whole or in part, upon such appeal, it shall be the duty of said council to cause the amount, as assessed against each lot, to be certified to the clerk of the county court of said county, whose duty it shall be to extend the amount so assessed upon the lots and parcels of land specified; and it shall be the duty of the collector of taxes for the state and county to collect such tax and assessment and to enforce the payment thereof, in the same manner, with all the rights, power and authority he has to collect state and county taxes, and shall be required to pay over the same to the corporate order of said city, at the same time he is required to pay over the county revenue. And the county court of said county shall render judgment and order sale of any lot or track, for the nonpayment of the tax or assessment, as returned by said common council, as is now or may be provided for state and county taxes; and judgments and sale shall be rendered for the aggregate amount due for county; state and town or city taxes. The collector shall receive the same compensation for collecting such assessment or tax as for collecting other taxes, and shall be subject to the same liabilities. No land shall be appropriated, by virtue of this act, until the damages awarded therefor to any owner thereof shall be paid or tendered to such owner, or, in case such owner cannot be found in the city, deposited to his or her credit in some place of deposit.

Right of appeal.

Collect or 1/2 fees.

APPROVED February 20, 1861.



In force February 20, 1861. AN ACT to amend an act entitled "An act to incorporate the City of Peoria," in force December 3d, 1844, and the several acts amendatory thereto.

Time of holding election.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the time for holding the annual charter election in the city of Peoria, for mayor, aldermen and other city officers of said city, shall be and the same is hereby changed from the last Monday in November, of each year, to the second Tuesday of March, of each and every year, and that the first election for said officers, under this act, shall take place and be held on the second Tuesday of March, A. D., 1862, and forever thereafter, on the second Tuesday of March, of each and every year.

Continuance in office of mayor, &c.

§ 2. That the mayor of said city, who was elected on the 26th day of November, A. D., 1860, shall hold over and remain in said office until the third Tuesday of March, A. D., 1862, and until his successor shall be qualified; and that the aldermen of said city, whose term of office will expire, under the ordinances of said city on the first Tuesday in December, A. D., 1861, shall hold over and remain in office until the third Tuesday in March, A. D., 1862; and the aldermen of said city whose term of office will expire, under the ordinances of said city, on the first Tuesday in December, A. D., 1862, shall hold over and remain in office until the third Tuesday of March, A. D., 1863; and the clerk, attorney, assessor, treasurer, collector, marshal, deputy marshal and the two police constables of said city, who were elected on the twenty-sixth day of November, A. D., 1860, shall hold over and remain in their respective offices until the third Tuesday of March, A. D., 1862, and until their successors shall be elected and qualified.

Clerk, attorney and other officers

§ 3. The clerk, attorney, assessor, treasurer, collector and marshal of said city, who may be elected on the second Tuesday of March, A. D., 1862, and those who may be elected to said offices every year thereafter, shall hold their respective offices for one year, from the first Tuesday following their said election, which will be the third Tuesday of March, and until their successors shall be elected and qualified. And in case a vacancy, from any cause, shall occur in any of the offices mentioned in this section, the same shall be immediately filled by an election or appointment by the city council of said city; and the officer thus elected or appointed, shall serve out the unexpired term of the officer in whose place he may be chosen, and shall be subject to all the laws, rules and liabilities regulating other city officers.

§ 4. In case of a tie vote between any two or more candidates for any one of the said offices, at any election of the qualified voters of the said city, or in case the election of any of said officers shall be contested, the same shall be de-

terminated by the city council of said city, in the same manner as is or may be provided by the ordinances of said city for determining a tie vote or a contested election of mayor or aldermen of said city.

§ 5. That the said city council shall have power to provide, by ordinance, for the removal from office of any officer of said city, elected either by the qualified voters of said city or by the said city council, for incompetency, negligence, dereliction or violation of duty; and whenever the said council shall deem it the interest of said city to make such removal. And the ordinance and ordinances of said city, now in force in regard to the subject matter of this section, and applicable to such officers as may be elected by the said city council, shall and the same are hereby made applicable to officers elected by the qualified voters of said city; and the said ordinance and ordinances shall remain and continue in force, without repassing, until the same be changed or amended by the said city council: *Provided*, that this section shall not apply to mayor or aldermen of said city.

Removal from office.

§ 6. That the office of deputy marshal of the said city be and the same is hereby abolished, from and after the third Tuesday of March, A. D., 1862.

Deputy marshal.

§ 7. That from and after the third Tuesday of March, A. D., 1862, the mayor of said city shall have power and authority, and it is hereby made his duty, to appoint such number of police constables, on the day and night police, as said city council shall deem necessary, with power to remove the same from office, at pleasure, or whenever, in the opinion of the said mayor, the interests of said city require such removal, and to appoint others in their places. Said appointments to continue in force until the removal from office or the death or resignation of said officers.

Police.

§ 8. That so much of any act of the general assembly or any ordinance of the city of Peoria as provides for the election or appointment of any of said police constables, by the qualified voters of said city, or by the city council of said city, be and the same is hereby repealed, from and after the third Tuesday of March, 1862.

§ 9. That the city council of said city shall have power to prescribe the duties of all city officers, and shall, whenever they deem the interest of the said city require it, compel any city officer to give such additional security on his official bond as may be approved of by the said city council, and shall have power to remove him from office, in case he fails or refuses to comply with any such requirement.

Official bonds.

§ 10. That the said city council shall have power, by ordinance, to restrain, suppress and abate houses of ill fame, bawdy houses and houses of assignation, within the limits of said city of Peoria, and within five miles from the outer boundaries of said city; and shall have power to impose fines and penalties upon any person or persons for keeping,

Houses of ill fame, etc.

remaining at or frequenting the same, and to compel any person to testify in all cases touching the same: *Provided*, that such witnesses shall not be punished for any thing disclosed in such testimony.

City limits.

§ 11. That the west half of section eight, (8,) the south half of the south-west quarter of section five, (5,) and the north half of the south-east quarter of section five, (5,) in township eight (8) north, eight (8) east of the fourth principal meridian, in the county of Peoria, be and the same are hereby declared and deemed to be within the corporate limits of the city of Peoria.

§ 12. That all laws and ordinances and parts of laws and ordinances, inconsistent with this act, be and the same are hereby repealed; and this act shall be and hereby is declared to [be] a public act.

APPROVED February 20, 1861.

In force February 20, 1861. AN ACT to authorize the City Council of the City of Quincy to levy and collect a two-mill tax.

Sinking fund.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That in addition to the powers of taxation now vested by law in the city council of the city of Quincy, the said city council are hereby authorized to levy and collect an annual tax, not exceeding two mills on the dollar upon all real and personal property in said city; which tax, when collected, shall be a part of the sinking fund of said city, and shall be applied, exclusively, to the payment of the principal of the outstanding bonds of said city, in such manner as the city council thereof shall, by ordinance, direct.

Vote upon tax.

§ 2. At the next succeeding annual charter election, in said city of Quincy, this act shall be submitted for approval to a vote of the people thereof, at which election all voting in favor of levying the tax aforesaid shall vote ballots having the words "For the Two-Mill Tax" written or printed thereon, and all opposed to levying the said tax shall vote ballots having the words "Against the Two-mill Tax" written or printed thereon; and if a majority of the votes cast at said election are "For the Two-Mill Tax" then this act shall be valid and take effect from the day of said election; otherwise this act shall be void.

Sinking fund commissioners.

§ 3. The tax aforesaid, when collected, shall not be paid into the treasury of the city, but shall be kept and disbursed, under the direction of the city council, by an officer to be appointed by the council, who shall be styled the "Sinking Fund Commissioner of the City of Quincy," and



shall hold his office for two years from the date of his appointment, until his successor is appointed and qualified: *Provided*, that no person holding an office under the charter of the said city of Quincy shall be appointed such sinking fund commissioner.

§ 4. The said sinking fund commissioner shall give bond in the sum of thirty thousand dollars, with security, to be approved by the city council; which bond shall be payable to the city of Quincy, and shall be conditioned for the faithful discharge of the official duties of the said commissioner. Commissioner's  
bond.

§ 5. The said commissioner shall disburse the funds he has in his hands, as directed by the city council: *Provided*, that he shall never pay out any portion thereof, except in liquidation of the principal of bonds issued by the city of Quincy, or mayor and council thereof, and outstanding at the date of this act.

APPROVED February 20, 1861.

AN ACT supplemental to an act entitled "An act to establish a Board of Education in the City of Quincy." In force February  
22, 1861.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That the salary of the superintendent of public schools in said city of Quincy shall be audited and paid by the board of education created by the act to which this is supplemental, out of the school fund of said city. Superintendent's  
salary.

§ 2. *Be it further enacted*, that the superintendent of public schools, aforesaid, shall be appointed by the city council of said city at the same time and in the same manner as is prescribed for the appointment of the board of education, by the act to which this is supplemental; and the said superintendent shall hold his office for the term of one year and until his successor is duly appointed and qualified, unless sooner removed by the majority of said city council. Appointment of  
superintendent.

§ 3. *Be it further enacted*, that this act shall be deemed a public act, and take effect and be in force from and after its passage.

APPROVED February 22, 1861.

In force February 2, 1861. AN ACT to enable the City of Quincy to establish a Sinking Fund, to reduce the City debt and ultimately to reduce the City taxes.

Tax.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That in addition to the powers of taxation now vested by law in the city council of the city of Quincy the said city council are hereby authorized to levy and collect an annual tax, not exceeding two mills on the dollar, upon all real and personal property in said city; which tax, when collected, shall be a part of the sinking fund of said city, and shall be applied, exclusively, to the payment of the principal of the outstanding bonds of said city, in such manner as the city council thereof shall, by ordinance, direct.

Special election.

§ 2. As soon as may be, after the passage of this act, the city clerk of said city shall call a special election, to be held by the qualified voters of said city, at the usual places of voting, in the several wards of said city, by giving at least ten days' notice thereof, by publishing a notice thereof, with a copy of this act, in all the daily and weekly newspapers of said city; at which election all voting in favor of levying the tax aforesaid shall vote ballots having the words "For Reducing the City Debt," written or printed thereon, and all opposed to levying the said tax, shall vote ballots having the words "Against Reducing the City Debt" written or printed thereon; and if a majority of the votes cast at said election are "For Reducing the City Debt" then this act shall be valid and take effect, from the day of such election; otherwise this act shall be void.

Sinking fund commissioner.

§ 3. The tax aforesaid, when collected, shall not be paid into the treasury of the city, but shall be kept and disbursed, under the direction of the city council, by an officer, to be appointed by the council, who shall be styled the "Sinking Fund Commissioner of the City of Quincy," and shall hold his office for two years, from date of his appointment, and until his successor is appointed and qualified: *Provided*, that no person holding any office under the charter of said city of Quincy, shall be appointed such sinking fund commissioner.

Commissioner's bond.

§ 4. The said sinking fund commissioner shall give bond, in the sum of thirty thousand dollars, with security, to be approved by the city council; which bond shall be payable to the city of Quincy, and shall be conditioned for the faithful discharge of the official duties of the said commissioner.

Disbursement of taxes.

§ 5. The said commissioner shall disburse the funds in his hands, as directed by the city council: *Provided*, that he shall never pay out any portion thereof, except in liquidation of the principal of bonds issued by the city of Quincy or mayor and council thereof, and outstanding at the date of this act.

§ 6. The city council may, at any time remove from office the said sinking fund commissioner or any other officer of said city, for neglect of duty or disregard of the authority of the council, and appoint a successor, to fill out his unexpired term of office.

§ 7. The three assessors, now required by ordinance to Assessors. be appointed by the city council of said city of Quincy, shall hereafter be voted for and elected in the same manner and at the same time that the mayor and other city officers, elected by the people, are voted for and elected in said city.

APPROVED February 2, 1861.

AN ACT in relation to the City of Quincy.

In force February  
20, 1861.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the city council of the city of Quincy, in the state of Illinois, be and is hereby authorized to issue, and negotiate, and sell, at not less than par value, a sufficient amount of city bonds, to pay the January and July installments of interest upon the indebtedness of said city, for the year A. D. 1861; said bonds to become due and payable in not less than five years, nor more than ten years from date, and to bear interest at the rate of six per cent. per annum, payable semi-annually. The principal and interest to be made payable at such place as said council may determine. Negotiation bonds.

§ 2. This act shall take effect and be in force from and after its approval by the governor, any thing in the charter of said city or the acts amendatory thereto, to the contrary notwithstanding.

APPROVED February 20, 1861.

AN ACT to establish a Board of Education in the City of Quincy.

In force February  
20, 1861.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the mayor, superintendent of public schools, and school visitors, of the city of Quincy, are hereby constituted a body politic and corporate, under the name and style of "The Board of Education of the City of Quincy;" and by that name may contract and be contracted with, sue and be sued, plead and be impleaded, in any court in this state; have a common seal, and alter the same at pleasure; and acquire, hold and

Corporate name  
and powers.



transfer property, real and personal, and cases in action, in the same way that natural persons, by law, may do. And all property which may, in any manner, become vested in said board, shall be held and disposed of by said board only for the maintenance and support of public schools in said city. The said mayor, superintendent and school visitors shall continue to be members of said board of education until a new board shall be appointed, as provided in the following section.

Term of office.

§ 2. The city council of the city of Quincy shall, at its first regular meeting, in the month of March next, and, annually, thereafter, appoint one member of the said board of education from each ward in said city, who, together with [the] superintendent of public schools of said city, shall constitute the said board of education, and shall hold their offices for the term of one year and until their successors shall be appointed; but the city council shall have power, at any time, to remove from office any member of said board of education who shall have been appointed by the city council, and also to fill all vacancies occurring in said board, by death, resignation, removal from office, or otherwise.

Treasurer of the board.

§ 3. The superintendent of public schools of the city of Quincy shall be, *ex officio*, a member of said board of education, and he shall also be the treasurer of said board, and keep and disburse the moneys thereof, and shall receive the same commission thereon which is now received by the city treasurer. He shall give bond, with security, in such sum as the city council shall, by ordinance, direct, payable to said board of education, and conditioned for the faithful discharge of his official duties, both as superintendent of public schools and as treasurer of said board. No funds of said board shall be paid into the hands of the said superintendent until he has given bond, as aforesaid, to the approval of the city council.

Compensation:

§ 4. The compensation of the several members of the board of education shall be fixed by ordinance of the city council, and paid out of the treasury of said board.

§ 5. No person, while employed as a teacher in any public or private school in said city, shall ever be a member of said board, and no person shall be appointed a member thereof, unless he shall have resided in said city at least two years next preceding his appointment.

Payment of claims.

§ 6. All claims, payable out of the treasury of said board, shall be audited by the board, and, if allowed, a warrant shall be drawn for the same, on the treasurer of said board in favor of the person entitled to the same; which warrant shall be signed by the president and clerk of said board.

§ 7. The said board of education shall organize by appointing one of their number president and another clerk of said board. The president shall preside at the meetings of

the board, and be the chief officer of the same. The clerk shall keep a record of the proceedings of said board, which shall be open to the inspection of all persons interested.

§ 8. The said board of education shall hold meetings, Meetings. for the transaction of business, at such times and places as they may, by vote or by law, determine; and four members shall constitute a quorum for the transaction of business; but a smaller number may adjourn, from day to day, until a quorum shall be in attendance.

§ 9. All and singular the powers and duties and rights of property, now vested in the city council of the city of Quincy, by the act of the general assembly of the state of Illinois, entitled "An act to erect the city of Quincy into a common school district," are hereby divested out of the said city council, and vested in the said board of education, who are hereby declared to be the legal successors of the said city council, in relation to all the powers, duties and rights of property aforesaid. And the moneys required by section 5, of the act last aforesaid, to be paid by the school commissioner of Adams county to the clerk of said city, shall, from and after the passage of this act, be paid by said school commissioner to the treasurer of the said board of education, and shall constitute a part of the funds of said board.

§ 10. All moneys hereafter collected by taxation, in said Money collected. city, under the provisions of section 3, of chapter III., of the charter of said city, shall be paid by the collectors of the revenue of said city directly to the treasurer of the said board of education, and shall constitute a part of the funds of said board.

§ 11. The treasury of said board and the treasury of the city of Quincy shall be entirely distinct and independent of each other, and no person shall be, at the same time, treasurer of said city and of said board; and no money shall be paid out of the treasury of said board, except upon warrants issued by the president and clerk thereof, as hereinbefore provided.

§ 12. The city of Quincy shall, forthwith, cause to be Paying over of  
moneys by the  
city. paid over to the said board of education an amount of money equal to the amount of public school funds and school taxes which have been heretofore received by the said city and applied, in violation of law, to other than school purposes; and the said board of education is hereby authorized to demand, sue for and receive the same of and from said city of Quincy: *Provided, however,* that the said city may, within two months after the passage of this act, convey to the said board of education all real estate in said city, now used for common school purposes, and the legal or equitable title whereof is now in said city; which conveyance, when accepted by said board of education, shall vest the title to the property so conveyed in said board, and shall discharge the said city from all liability to account for or pay over to any person or

corporation all or any of the public school funds and public school taxes, so misapplied, as aforesaid, and shall be received by said board of education, in full payment of and satisfaction for the same.

§ 13. The board of education of the city of Quincy are hereby vested with the exclusive management, charge and control of all public schools, public school property and public school funds, in said city, and are hereby authorized and required to establish and maintain an efficient system of public schools in said city, and to defray the expenses thereof; and, for the purposes aforesaid, they shall have power:

1st: To establish, change and discontinue schools and school districts in said city.

2d: To each [erect] school houses, purchase sites for the same, and to supply the public schools with all necessary libraries, furniture and apparatus.

3d: To prescribe text books and studies to be pursued in said public school.

4th: To employ school teachers and discharge the same, at pleasure, and to fix their compensation.

5th: To make necessary improvements and repairs in and about the public school property in the city.

Regulations.

6th: To make proper rules and regulations concerning the management and government of said public schools, and also to make reasonable by-laws concerning the conduct of the business of said board.

7th: To do all other acts and things not inconsistent with the laws of this state or the ordinance of said city which may be necessary for the establishment and maintenance of an efficient public school system in said city.

Taxation for  
school purposes.

§ 14. Nothing herein contained shall be construed to confer any power of taxation upon the said board of education or to abridge or take away the power of taxation for school purposes, now vested by law in the city of Quincy; and the city of Quincy may, from time to time, donate moneys to said board of education, to be used in erecting school houses, purchasing sites therefor or other necessary school purposes.

§ 15. All expenses incurred for the support of public schools in said city, which shall become payable on or before the 1st day of April, A. D. 1861, shall be paid by said city, out of the treasury; and all expenses incurred for the support of public schools in said city, which shall become payable after that day, shall be defrayed by said board of education, out of its treasury; and all school funds in the hands of the city treasurer, on that day, shall be forthwith paid over to the treasurer of said board.

Exemption from  
taxes.

§ 16. All property of said board of education shall be free and exempt from taxation, for state, county or city purposes.



§ 17. The city council of said city may, at any time, by ordinance, prescribe or alter the time and mode of election and term of office of the members of said board; but until the passage of such ordinance the time and mode of election and term of office of the members thereof shall be as provided in section two of this act. Elections.

§ 18. The report heretofore required by law to be made by the superintendent of public schools of said city to the city council shall, hereafter, be made to said board of education, at such time as the said board may direct; and the said board shall make such reports to the city council as the city council may, by ordinance, require. Annual report.

§ 19. The treasurer of the said board of education shall keep a full and accurate account of all moneys received and expended by him, as such treasurer, and shall report the same to the said board of education, at least once in six months, and oftener, if required by the board; and his accounts shall, at all times, be open to the inspection of any member of the said city council. Treasurer's duties.

§ 20. All laws and parts of [laws] inconsistent with the provisions of this act, are hereby repealed.

§ 21. This act shall be declared a public act, and shall take effect as hereinbefore provided.

APPROVED February 20, 1861.

AN ACT to vacate the plat of Roberts' Addition to the City of Rockford, in the County of Winnebago. In force February 13, 1861.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the plat of Roberts' addition to the city of Rockford, in the county of Winnebago, as made and acknowledged by Ebenezer S. Roberts, Columbus C. Parker, Archer S. Kimball, Nathaniel Wilder, Chas. H. Richings, and Thomas Garrison, and recorded in the office of the recorder of said county, be and the same is hereby vacated.

§ 2. The middle of the several streets shall be the boundaries of the several lots and blocks contiguous thereto.

APPROVED February 13, 1861.

In force February 22, 1861. AN ACT to amend "An act to amend the charter of the City of Rockford," approved March 4th, 1854.

Railroad tracks.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the common council of said city of Rockford shall have the power to direct and control the laying and constructing 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 or alleys through which their track may run, and, if ordered by the common council, to light the same, and to construct and keep in repair suitable crossings at the intersection of streets and alleys, and ditches, sewers and culverts, when the common council shall deem necessary; to direct the use and regulate the speed of locomotive engines within the corporate limits of the city; to prohibit and restrain railroad companies from doing storage or warehouse business, or collecting pay for storage.

§ 2. To establish standard weights and measures, to be used within the city; to require any merchant, retailer, trader or dealer in merchandise or property of any description, which is sold by weight or measure, to cause their weights and measures to be sealed by the city sealer, and to be subject to his inspection. The standard of such weights and measures shall be conformable to those now established by law.

Sidewalks.

§ 3. The common council shall have power, by order, resolution or otherwise, to cause crosswalks, sidewalks, private drains and sewers to be built, constructed, graded, laid, relaid, cleansed and repaired, and to regulate the same.

Sidewalks—  
owners of land  
to build.

§ 4. All owners or occupants of lots or land, in front of, adjoining or upon whose premises the common council shall order and direct sidewalks, crosswalks, private drains or sewers to be built, constructed, graded, repaired, relaid or cleansed, or shall declare any such land or lots to be a nuisance, and order the same to be graded, filled up and drained, or otherwise improved, shall grade, build, construct, lay, relay or repair such sidewalks or crosswalks, or make, repair or cleanse such private drain or sewer, 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 order, resolution, ordinance or otherwise; and if not done within the time and in the manner prescribed, the common council may cause the same to be built, constructed, repaired, relaid, cleansed, graded, filled up,

drained or otherwise improved, and assess the expense thereof, by an order, to be entered in their proceedings, upon the lots and land, respectively, and collect the same, by warrant and by sale of the premises, as provided in section 5th of this act. A suit may also be maintained against the owner or occupant of such premises for the recovery of such expense, as for money paid, laid out and expended to his, her or their use, at his, her or their request.

§ 5. In all cases where assessments shall hereafter be made by the common council on any lot or real estate in the city, for the purpose of improving any crosswalk, sidewalk, private drain or sewer, or for any other purpose whatever, either by order, resolution, ordinance or otherwise, and such assessment is not paid within the time fixed by the order, resolution or ordinance making such assessment, the corporate authorities of the city may apply to the county court of Winnebago county for judgment against such lot or real estate for the amount of said assessment and costs; and the said county court, on such application being made, shall render judgment against such lot or real estate, in favor of the city, for the amount of said assessment and costs, and shall issue its precept to the sheriff of said Winnebago county, commanding him to sell said lot or real estate, or so much thereof as may be necessary to pay said judgment and costs, in the same manner and with like effect as if sold upon execution at law; and the common council shall have full power to provide, by order, resolution or ordinance, for the making or levying any such assessment; and they shall have power to fix the time of payment, and the time and kind of notice of such assessment, and of the said application to the county court; and the common council shall have full, perfect and complete authority to adopt any rule, regulations or proceeding which they may deem necessary to carry the provisions of this section and of the next preceding section of this act into full and complete effect.

Assessments for improving sidewalks.

§ 6. 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 collected in the same manner prescribed in sections 4 and 5 of this act. Such expense may, likewise, be collected of the owner or occupant of such premises, in a suit, as for money paid, laid out and expended to his, her or their use, at his, her or their request; and in case the same should not be chargeable to any real estate suit may, in like manner, be brought for such expense against the author of such nuisance, if known, or any person whose duty it may be to remove or abate the same.

Assessments for removing nuisances.

§ 7. The common council shall have power to compel the owner or occupants of lots or land fronting or adjoining any private or public alley to keep said alley clean, and, if necessary, to direct the same to be paved, macadamized,

Cleaning of alleys.



planked or otherwise improved, and the costs thereof to be assessed and collected in the same manner as sidewalk assessments.

§ 8. All taxes and assessments, general or special, levied or assessed by the common council, under this act or the act to which this is an amendment, 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 list 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: *Provided*, that in case the collection of any assessment shall be delayed by injunction, or other judicial proceeding, 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.

To compel persons to work on the streets.

§ 9. Any person, against whom any judgment may hereafter be recovered in favor of said city of Rockford, for a penalty or fine for a breach or violation of any ordinance, instead of being committed to the city prison, workhouse or jail, such person may be required and compelled to labor on the streets, lanes, alleys or other public works of the city, for such time and in such manner and under such restraints as the common council may, by ordinance, provide.

Appeals.

§ 10. The city may appeal, in all cases arising under the charter and ordinances of the city, without giving security; but in cases of appeal by the city the mayor shall execute bond, under the corporate seal, without sureties; and a resolution or ordinance of the common 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.

Transcripts.

§ 11. Transcripts of judgments rendered in cases arising under the charter or ordinances of the city may be taken from the docket of police magistrates, and filed in the office of the clerk of the circuit court of Winnebago county, and shall have the same force and effect as transcripts of judgments from the dockets of justices of the peace, and execution shall be issued thereon and collected in like manner.

Compensation of officers.

§ 12. That, hereafter, all city officers, appointed or elected by the common council, or elected by the legal voters of the city, shall receive for their services such salaries, fees and compensation as the common council may, from time to time, by order, resolution or ordinance, provide.

Ordinances.

§ 13. The common council shall have power to make, pass, publish, amend and repeal all ordinances, rules, orders and resolutions which shall be necessary and proper for carrying into execution and effect the powers granted by this act, so that the same be not repugnant to or inconsistent

with the constitution of the United States and of this state, and to enforce the observance of all such orders, rules and ordinances, by forfeitures, fines, penalties, imprisonments, and otherwise. No such penalty or fine shall exceed one hundred dollars, and no such imprisonment shall exceed six months.

§ 14. All ordinances of the city may be proved by the seal thereof, and, when printed and published, whether in a newspaper or 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. Proof of ordinances.

§ 15. All such parts of the act to which this is an amendment as are inconsistent with this act are hereby repealed; but so much and such parts thereof as are not inconsistent with the provisions of this act shall not be construed as repealed, altered or modified, or in any manner affected hereby, but shall be and remain in full force and effect. Repealing clause.

§ 16. 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 and be in force from and after its passage.

APPROVED February 22, 1861.

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AN ACT to vacate the plat of the Western Addition to Rock Island City. In force February 18, 1861.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the plat of the western addition to Rock Island city, in the county of Rock Island, and state of Illinois, is hereby vacated, and the public right to the streets and alleys thereof divested.

APPROVED February 18, 1861.

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AN ACT to amend an act entitled "An act to reduce the act to charter the City of Rock Island and the several acts amendatory thereof into one act, and to amend the same," approved February 16, 1857. In force February 22, 1861.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That hereafter the municipal government of the city of Rock Island shall consist of the city council, composed of the mayor, and two aldermen from each of the four wards of said city. A majority of the members of the city council shall constitute Appointment of city officers.

a quorum for the transaction of business. All the other officers required by the act to which this is an amendment shall be appointed by the city council, on the second Tuesday in March, in each year, or so soon thereafter as may be, and shall, respectively, continue in office until the second Tuesday of March then next ensuing, and until the appointment and qualification of their successors: *Provided, however*, that said city council may, at any time, by resolution, remove any of said officers and appoint others in their places, or dispense with any of said offices: *And provided, further*, that said city council may appoint the same person to fill any two or more of said offices. The aldermen shall receive no compensation for their services; and the compensation of all the other officers of the corporation shall be fixed by the city council, by resolution; but the compensation of the mayor shall not exceed three hundred dollars per annum.

§ 2. All laws and parts of laws inconsistent with the foregoing are hereby repealed, or so modified as to be made consistent herewith; and this act shall be a public act, and take effect from its passage.

APPROVED February 22, 1861.

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In force February 20, 1861. AN ACT to amend an act entitled "An act to incorporate the city of Sparta, in Randolph county," in force February 21, 1859.

[SECTION 1.] *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That section two, article first, of said charter, be and the same is hereby repealed, and the following shall hereafter constitute the boundaries of said city, to wit: beginning at the northwest corner of the southwest quarter of the southeast quarter of section thirty-six, in township four, south, of range six west; thence, running south, on the half-section line, to the southwest corner of the southeast quarter of section one, township five, south, of range six west; thence, east, with the section line, to the southeast corner of the southwest quarter of the southeast quarter of section six, in township five south, of range five west; thence, north, with the quarter-section line, to the northeast corner of the southwest quarter of the southeast quarter of section thirty-one, in township four south, of range five west; thence, west, to the place of beginning.

Street commissioner. § 2. All provisions of said charter, for the election of a street commissioner, are hereby repealed; and, hereafter, the city council shall appoint a street commissioner, at their



first meeting after annual elections, for each year, or as soon thereafter as practicable.

§ 3. Section one, of article five, of said charter, is hereby repealed; and, hereafter, a justice of the peace shall be elected in said city, to be styled, by way of distinction, "City Recorder," on the first Monday of May next; and on the same day, and every four years thereafter, by the qualified voters of said city, and who shall hold his office for four years, and until his successor shall have been duly elected and qualified, and who shall, when elected, exercise the jurisdiction and powers conferred by said charter, and be commissioned by the governor, as therein required. Justice of the peace.

§ 4. The said justice of the peace, styled "City Recorder," before he is eligible to said office, shall be a citizen of the United States, above the age of twenty-five years, and have resided in said city at least two years before his election. City records.

§ 5. Section seven, of article five, of said charter, is hereby repealed, and also section eleven, of said article.

§ 6. All provisions of said charter, conferring judicial authority upon the mayor of said city, are hereby repealed, including the whole of sections seven, eight and nine, of article six, of said charter.

§ 7. The said justice of the peace, styled "City Recorder," shall keep a docket of proceedings before him, as is required of other justices of the peace in this state, and shall have the same jurisdiction which is conferred upon other justices of the peace in this state, together with the additional jurisdiction which is conferred by the act of which this is an amendment. Recorder's docket.

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

APPROVED February 20, 1861.

AN ACT to incorporate the City of Shawneetown and to change the name. In force February 21, 1861.

## ARTICLE 1.

### OF BOUNDARIES AND GENERAL POWERS.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the inhabitants of the town of Shawneetown, in the county of Gallatin, and state of Illinois, be and they are hereby constituted a body politic and corporate, by the name and style of "The City of Shawneetown," unless changed to "Shawnee City," and by that name shall have perpetual succession, Name.

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 Shawneetown shall extend over and include within the same so much of all that district of country situated in the county of Gallatin, state of Illinois, embraced within the present limits of the town of Shawneetown, according to the plat thereof, as may be embraced within a levee proposed to be built around said city, as is included within the present corporate limits of said town.

General powers.

§ 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 and 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.

Wards.

§ 4. The present board of trustees of the town of Shawneetown, shall, on the first Monday in March next or as soon as practicable thereafter and prior to the first Monday in April next, by ordinance, divide the said city of Shawneetown into two wards, as nearly equal in population as practicable, and particularly describe the boundaries of each ward by causing to be posted two written copies of such ordinance in each ward.

§ 5. Any tract of land within eighty rods of the limits of said city, laid off into town lots, may be included within the limits of said city by ordinance.

## ARTICLE 2nd.

### OF THE CITY COUNCIL.

Mayor.

§ 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 two members 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 twelve months within the limits of the city and be a freeholder of said city.

§ 3. If any alderman shall remove from the ward for which he was elected, his office shall thereby be vacated.

§ 4. The city council shall judge of the qualifications, elections 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 its members for disorderly conduct.

§ 5. A majority of the council shall constitute a quorum Quorum. to do business, but a smaller number may adjourn from day to day and fine absent members for nonattendance.

§ 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.

§ 7. The mayor and aldermen, before entering upon their Official oath. 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.

§ 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.

§ 9. The city council shall meet for business on the second Saturday in each month and at such other times as Council meet- ings. may be necessary, upon the call of the mayor or any two members of the council.

§ 10. The city council shall have power to appoint a Clerk and treas- urer. clerk and treasurer (the treasurer shall be *ex officio* the assessor) and such other officers or agents as they may need, from time to time, prescribing their duties and salaries.

### ARTICLE 3rd.

#### OF THE MAYORALTY.

§ 1. 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 one year and until his successor shall be elected and qualified, he being a freeholder of said city, over the age of twenty-one years.

§ 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 nonattendance upon any meeting of the council the board of aldermen shall appoint one of their number chair- Mayor's duties. man *pro tem*.

§ 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 meetings 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.



Compensation.

§ 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.

## ARTICLE 4th.

## ELECTIONS.

Annual city election.

§ 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 two aldermen for each ward, who shall hold their offices until their successors are elected and qualified, and forever thereafter on the first Monday in June of each year (excepting June, 1861,) an election shall be held for a mayor for the city and two aldermen for each ward, who shall hold their offices for one year and until their successors are elected and qualified.

Voters.

§ 2. All free white male inhabitants, over the age of twenty-one years, who have been residents of said city for six months previous to any election shall be legal voters: *Provided*, that said voters shall give their votes for mayor and aldermen in the ward in which they shall respectively reside and in no other, and that no vote shall be received 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 in April next shall be appointed by the trustees of the town of Shawneetown; and for all elections thereafter the city council shall appoint three judges, at their regular meeting in April, or as soon as convenient thereafter, to sit at all city elections, and also two clerks of elections, who shall be paid out of the city treasury, as may be directed by ordinance.

§ 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-books and enter the result of the election on their journal; and if the persons elected do not take the oath of the 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.

Notice of election.

§ 5. The trustees of Shawneetown shall cause public notice to be given of the election to be held for mayor and aldermen, and city judge and city attorney and marshal, on the first Monday in April next, by posting two written notices in the most public places of each ward or by publishing such

notices in the newspaper printed in Shawneetown, having the largest circulation, 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 5th.

##### CITY JUDGE, ATTORNEY AND MARSHAL.

§ 1. There shall be elected, at the same time and in the same manner as the city mayor, a city judge, a city attorney and city marshal, who shall hold their office for one year and, until their successors are elected and qualified; and the city mayor, aldermen, the city judge, city attorney and marshal, elected at the election to be held on the first Monday in April next, shall hold their office until the first Monday in June, 1862, and until their successors are elected and qualified.

§ 2. The city judge shall be a conservator of the peace and, *ex officio*, a justice of the peace of said Gallatin county. He shall be commissioned by the governor and qualified as a justice of the peace, and shall 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 of said city, or his deputy, shall have power to execute any writ or process issued by the said city judge anywhere within the limits of Gallatin county aforesaid.

§ 3. The said city judge shall exercise said additional jurisdiction, within the limits of Gallatin county, and shall have exclusive jurisdiction, in all suits for the violation of the ordinances of the said city. 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, Sundays excepted, until all the business before it is disposed of; and shall have and keep a docket, similar to the docket of the justices of the peace, in this state, excepting cases shall be docketed and called in their regular order, as is now the practice in circuit courts of this state, trials for the violation of said city ordinances having precedence, in the discretion of the said city judge. He shall have power to fine and imprison, for contempt of his court, when in session; and shall be allowed to charge, as fees, the same as circuit clerks in this state; and, in civil cases over one hundred dollars, shall be allowed to charge a docket fee of one dollar and twenty-five cents, to be collected, as costs, from the unsuccessful party. Judgments rendered by the said city judge shall have the same effect as judgments rendered by justices of the peace, under the laws of this state; and executions from the judgments of the said city judge shall be directed to the said city marshal, who shall be governed in the premises by the laws of this state

City judge's docket.

governing constables, in such case made and provided. The city judge shall, also, keep an execution docket, in which he shall record the issuing and return of all executions; also, a fee book, in which he shall separately charge the fees in each case, and shall issue fee bills and cost bills, according to the law governing circuit clerks in this state. In the event that the said judge shall be removed from office, or the said office otherwise become vacant, or should he be absent from the city or sick and unable to attend to the business of said court, the mayor of said city shall and is hereby required to preside in the place and stead of the said city judge, in all cases concerning the violation of the ordinances of the said city. The said city judge may also receive, in addition to his fees such salary as may be allowed him by the city council.

City attorney.

§ 4. The city attorney shall prosecute all violators of ordinances of the said city. He shall be the legal adviser and attorney of the said corporate authorities, and shall receive such salary and other compensation as shall be agreed upon by the city council for his said services, to be paid out of the city treasury. He shall be responsible to the said city council for his conduct in office and may be removed by them for a sufficient cause.

City marshal.

§ 5. The city marshal shall also be collector of the city revenue, and shall have power to appoint one or more deputies, in writing, for whose conduct, in office, the marshal shall be at all times responsible. He shall promptly arrest all violators of any ordinance and carry them before the city, and shall have power to summons witnesses, without written subpoena, to appear and give evidence; and upon the failure of such witnesses to attend the city judge shall forthwith issue an attachment against them for contempt. The city judge shall proceed to the trial of such offenders forthwith, in his discretion, or as soon as the witnesses can be brought before him; and if either the city or the offender is not ready for trial the city judge may continue the trial, not more than three days, and may admit the offender to give bond for his appearance before the said judge at the time named therein; which bond shall be made payable to the city of Shawneetown, and collectable by action of debt, before the city judge. Any person who is fined for breach of any ordinance of said city may replevy the same, by giving security for the payment of such fine and costs, within three months; and at the expiration of the said three months, if the fine and costs be not paid, the city judge shall render a judgment against the principal and his securities and forthwith issue execution thereon, directed to the city marshal; and every person fined for violating any ordinance may pay such fine by labor on the streets of said city or on any public works of said city or in a work house of said city, under the directions of the marshal, in such manner as may



be determined by ordinance. All process issued by the city judge shall be directed to the city marshal, who shall receive the same fees as are allowed a sheriff, by statute, unless changed by ordinance.

§ 6. The marshal is hereby made a conservator of the peace of Gallatin county, and shall have power to summons any white male inhabitant of said Gallatin county or city, over the age of eighteen years, to aid him in arresting or securing any offender against the laws of this state or any ordinance of said 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 prescribed by the statute or as may be provided by ordinance. Marshal's duties.

§ 7. He shall receive a salary of not less than one hundred dollars, nor exceeding two hundred dollars, per annum, besides his fees; which salary shall be paid out of fines assessed and collected in said city, and in no other way; and upon any omission or neglect of duty said marshal shall be removed by the city council, who shall appoint his successor, until the next regular election.

§ 8. The city marshal shall act as street commissioner and market master, and perform such duties as may be prescribed by ordinance.

#### ARTICLE 6th.

##### OF THE LEGISLATIVE POWERS OF THE CITY COUNCIL.

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

§ 2. 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 appointed or elected 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, for ordinary purposes. Official bonds.

§ 3. 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.

§ 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.

§ 5. To open, alter, abolish, widen, extend, establish, grade, pave or otherwise improve avenues, streets and alleys and other public highways.

§ 6. To divide the city into wards, alter the boundaries thereof and erect additional wards, as occasion may require.

§ 7. To establish, support and regulate night watches.

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

§ 9. To provide for all needful buildings, for the use of the city; also water for the use of the city.

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

§ 11. To license, tax and regulate auctioneers, trading boats, merchants, retailers, grocers, taverns, hawkers, peddlers, brokers and bankers.

§ 12. 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.

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

§ 14. To license, restrain, prohibit and suppress tippling houses and dram shops.

§ 15. To regulate the storage of gunpowder, tar, pitch, rosin, and other combustible material.

§ 16. 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.

§ 17. To provide for the inspection and weighing of hay and stonecoal, the measuring of charcoal, firewood, and other fuel, to be used or sold in the city, and designate, by ordinance, where the same shall be sold.

§ 18. To provide for the taking the enumeration of the inhabitants of the city.

§ 19. To regulate the election of city officers, and to provide for the removing from office any person holding an office created by ordinance.

§ 20. To fix the compensation, by fees, commission, or otherwise, and regulate the fees of jurors, witnesses and others, for services rendered under this act, or any ordinance in the city court or otherwise, in the city limits.

§ 21. 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 for such fines and forfeitures, and the enforcement of such penalties.

§ 22. The city council shall also 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

Fees.

Police.

Ordinances.

ordinances be not repugnant to nor inconsistent with the constitution of the United States, or this state.

§ 23. To provide for lighting the streets and erecting lamps thereon.

§ 24. To improve and preserve the navigation of the Ohio river within the city limits.

§ 25. To erect, construct, regulate, repair and control all public wharves and docks within the city, and to fix the rate, and to provide for the collection of wharfage or rent therefrom. Wharves.

§ 26. To regulate the stationing, anchoring, or mooring of all kinds of water crafts within the city.

§ 27. To license, tax, regulate or restrain, prohibit or suppress billiard tables, ten-pin alleys, tippling houses, and dram shops, and to suppress gambling houses, bawdy houses, houses of assignation and ill fame.

§ 28. To provide for the prevention and extinguishment of fires, and to organize and establish fire companies; to regulate or 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 or suspicious persons, and to compel any person or persons present to aid in extinguishing fires, or in the preservation of property exposed to the danger of the same, and prevent goods from being purloined thereat, and with such powers and duties as may be prescribed by ordinance. Prevention of fires.

§ 29. To prevent the running of horses, mules or asses within the streets or alleys or city limits, or riding, leading, or hitching the same upon the side-walks, and shall prevent the exhibition of stallions, jackasses or bulls within the streets or alleys, and prevent obstruction of side-walks, by awnings, signs, goods or boxes, or other obstructions.

§ 30. To prevent and restrain any riot, noise, open indecencies, disturbance or disorderly assemblies, in any house, street, or place in the city, and to prevent the violation of the Sabbath day.

§ 31. To prevent and remove all encroachments upon all streets, lanes, avenues, alleys and public grounds.

§ 32. To exercise complete and perfect control over all property belonging to the city, real or personal, either within or beyond the city limits, and the same to improve, lease, sell or dispose of, and generally to make, pass, award, amend, publish and repeal such rules, regulations and ordinances as shall be deemed advisable, for the maintenance of the peace and good government of the city, and for the trade, commerce and manufactures thereof, not repugnant to the laws and constitution of the state, and to enforce the observance of all such rules, regulations and ordinances, and to punish violations thereof by fines, penalties and imprisonment; and any person against whom a fine or penalty shall be assessed, who shall fail, neglect or refuse to pay the Punishments.



same, may be imprisoned in the calaboose or city jail, or be required to labor on the streets or other public works of the city as aforesaid, and in such manner as may be prescribed by ordinance.

§ 33. To prevent the bringing and burial of dead bodies within the city.

§ 34. To regulate or prevent and prohibit the use of fireworks or the discharge of firearms within the city, except in the defense of persons or property, or at a proper public assembly or celebration, or by any military company or organization.

Running at large  
of stock.

§ 35. To regulate, restrain or prohibit the running at large of horses, cattle, swine, sheep, goats and poultry, 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 upon the owners thereof for a violation of any ordinance in relation thereto.

§ 36. To regulate or prohibit the running at large of dogs, and to authorize their destruction when at large contrary to ordinance, and to impose penalties upon the owners, keepers or harborers thereof.

Sale of liquor.

§ 37. The council shall have exclusive power within the city to license, regulate or suppress groceries, bars, tippling houses and beer shops, and all places where spirituous or fermented liquors are sold; and all sums of money which shall be received for such licenses shall be paid into the city treasury for the use of the city.

§ 38. To restrain and punish vagrants, mendicants, street beggars and prostitutes.

§ 39. To compel the owner or occupier of any grocery, cellar, soap or tallow chandler, blacksmithery, tannery, stable, slaughtering house, establishment for rendering or steaming lard, tallow, offal, or any other substance, packing houses, breweries, distilleries, privies or other places, or establishments where nauseous, offensive or unwholesome business may be carried on, to cleanse, remove or abate the same, and to direct their location, regulate their construction or to abate or prohibit them within the limits of the city altogether.

Destitute chil-  
dren, &c.

§ 40. To authorize and direct the taking up and providing for the safe keeping, apprenticing or education of such children as are destitute of parental care or direction, and as are found wandering about the streets, growing up in mendicancy, ignorance, idleness and vice, and committing mischief and depredations, including all minors, negroes and mulattoes, under the age of twenty-one, who shall be apprenticed to white persons by the city judge.

§ 41. The city council shall have power, by ordinance, to levy and collect a special tax on the owners or holders of any lots on any street, avenue or alley, or part thereof, according to the respective fronts owned or held by them,

for the purpose of providing or repairing such streets, sidewalks or gutters, drains or curbing, and shall have power to appropriate money for the opening of roads and highways, and the construction of bridges and culverts for the benefit of the city, beyond as well as within the limits of the city.

§ 42. The city council shall have power, and it is hereby Vagrants. made their duty, to protect the city against vagrants; they shall require, by ordinance, that the city judge shall have all idle persons, suspected as being vagrants, brought before him, and he shall investigate said person or persons upon their oath, and shall have power to call witnesses in said investigation, touching their character and vocation. If said person or persons, suspected of vagrancy, upon such examination shall be found of suspicious and idle character, without any laudable employment, the said city judge may enter an order upon his docket, a copy of which shall be served upon said vagrant or vagrants, by the city marshal, notifying said vagrant or vagrants to leave the city within ten days, thereafter, under a penalty of not exceeding fifty dollars, to be recovered as other penalties for the violation of ordinances: *Provided*, said vagrant or vagrants may, upon receiving said notice, give bond and security, to be approved by said judge, for his or their maintenance and good behavior, the penalty of said bond not to exceed one thousand dollars.

§ 43. The style of the ordinances of the city shall be—  
“*Be it ordained by the City of Shawneetown.*”

§ 44. All ordinances passed by the city council shall, Publication of  
laws. within ten days after they shall have been passed, be published in the newspaper in the city having the largest circulation, 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 published as aforesaid for five days.

§ 45. All ordinances may be proven by the seal of the 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 7th.

§ 1. All real estate and personal property, within the Taxes. limits of the city of Shawneetown, shall be subject to taxation by the city council for the use and benefit of said city.

§ 2. The assessor shall prepare an assessment roll, with Assessment roll. the following caption, in substance: “An assessment roll of all the real and personal property within the limits of the city of Shawneetown, made by the assessor of said city for the year,” and shall set down in separate columns—*First*: The names of all the owners, if known, of real estate within the limits of said city. If the owner is unknown, it shall be

so stated. *Second:* The description of the real estate opposite the name of the owner or the word "unknown." *Third:* The value of the real estate opposite the 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.

§ 3. After the said assessment roll shall have been thus completed, the assessor shall attach his certificate to said roll, certifying the said roll is true and correct, according to his best information; and said roll, so certified, shall, on or before the second Saturday in July, of each year, be returned to the city council in session or to the mayor.

§ 4. Previous to the second Saturday 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 second Saturday in August, of each year, and not afterward, the said council shall hear the application of any person who may consider himself or herself aggrieved by the said assessment, and, on being satisfied of any error therein, they may correct the same.

§ 5. On the return of said assessment 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 reviewing the same.

§ 6. Immediately after the second Saturday 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, thereupon, attend at some place in each ward of said 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 taxes on the day mentioned in such notice, the collector shall proceed to levy the same of the goods and chattels of said resident, and, after giving ten days' notice of the time and place of sale, by posting up a notice thereof in three public places in said city, shall sell as many of said goods and chattels as may be necessary to make the amount of tax and costs. 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

Clerk's copy and  
warrant.

Tax sale.



on the second Saturday 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.

§ 7. In the 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.

§ 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 tax  
list.

§ 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 second Saturday 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 law of this state for obtaining judgment against and selling delinquent lands.

§ 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 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 tax.

Redemption.

#### ARTICLE 8TH.

##### OF PUBLIC IMPROVEMENTS.

§ 1. The city council shall have power to cause any street, alley or wharf in said city to be graded, leveled, paved, macadamized or planked, and keep the same in repair; to cause sidewalks and crosswalks, 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 to collect a

Improvement of  
streets

tax for the purpose of carrying into [effect] the above powers.

§ 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 sidewalk to be constructed or repaired, shall construct such sidewalk 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 expenses thereof, in an order, to be entered on their journal; and the said city council is hereby authorized and empowered to sue and recover from the owner or owners of said lot or lots two-thirds of said expenses, so entered in said order, with twenty per cent. damages on said amount; and said order is hereby made a lien on said lot or lots, and shall be evidence of the amount of such expenses: *Provided*, the said council may, at any time, by ordinance, fix the amount of such expenses to be paid by the owner of said lot or lots at more or less than two-thirds of said expenses.

#### ARTICLE 9th.

Exemption from  
state tax.

Levee tax.

§ 1. The inhabitants of the city of Shawneetown are hereby exempted from state tax, for the period of twenty years, from the adoption and passage of this act for the purpose of enabling the said inhabitants to levee the city of Shawneetown, to prevent its frequent or periodical inundation, from the overflow of the banks of the Ohio and Wabash rivers, within and adjacent to the said city; and the city council are authorized to levy upon the real and personal property within the city limits, a tax, to be called a "levee tax;" which shall be equivalent to the tax which would inure to the state of Illinois, from time to time, had this exemption not been made. And the city council are also authorized, by this act, to levy an additional levee tax, not exceeding two and one-half per cent. upon the real property within the corporate limits of said city, as well as all other real and personal property embraced within said levee, to high water mark, on the hill in the rear of said city; which shall be appropriated to no other purpose than for making and keeping in repair the said levee. All of the above taxes, mentioned in this section, shall be levied and collected, annually, excepting the two and one-half per cent., last above mentioned, which shall be levied and collected in the discretion of the city council, as other city taxes are levied, assessed and collected, and shall be kept as a separate fund—the city treasurer giving special bond in the premises.

§ 2. It shall be the duty of the city council, as soon as practicable after the passage and adoption of this act, to proceed and make arrangements for the construction of a levee that will so far surround the city, of a sufficient height and breadth, as to entirely prevent the future inundation or overflow of said city, or any part of it, from the waters of the Ohio or Wabash rivers; and they are hereby authorized and empowered to borrow money, at not exceeding one per cent. a month interest, and to pledge the revenue of the city, together with the revenue and taxes mentioned in the first section of this article, for the payment of said money and the interest thereon; and they shall issue bonds, to secure the payment of said money, with full specifications, signed by the mayor and attested by the city clerk, under the seal of the said city.

Construction of  
levee.

§ 3. The city council are authorized and empowered to make contract or contracts, for the construction of said levee, and shall require of the person or persons undertaking the same a bond or bonds, payable to said city of Shawneetown, with good and ample security, for the performance of said contracts, to be approved by the city council. The city council may appoint a surveyor or engineer, who is hereby required to survey and lay off the ground upon which the said levee shall be constructed, agreeable to the directions of the city council, and shall perform such other general duties as surveyor or engineer of said city, whose salary, fees and duties shall be fixed by ordinance. The city council shall, from time to time, repair, improve, or alter the said levee, and shall make such rules and regulations concerning it, as shall not be in violation with the constitution of the United States or this state, and shall have the right of way in its general construction and control.

Contracts for  
building levee.

#### ARTICLE 10th.

#### MISCELLANEOUS.

§ 1. The court over which the said city judge shall preside shall be called the city court of Shawneetown, and shall have a seal, which may be altered by the city council. The said judge shall have concurrent jurisdiction with the justices of the peace of Gallatin county, to the extent of their jurisdiction, or in matters over which they have jurisdiction; but no changes of venue shall be taken from before him, excepting in cases prescribed by the law governing the changes of venue in the circuit courts of this state. And where a change of venue is sought, the person making application shall proceed in like manner as from said circuit courts; and said changes shall be taken to no other than to the county or circuit courts of said Gallatin county: *Provided*, said county court shall have jurisdiction of the nature of the case: *And, provided, further*, that said case is not for

City court.

Jurisdiction.



the violation of any city ordinance. And if the case so changed shall be a criminal case, perpetrated against the laws of the state, without the limits of the said city, the city marshal may take a recognizance, with sufficient penalty and security of the said defendant, for his appearance at the court to which the change is taken. The said recognizance shall be payable to the state, for the use of said county, and recoverable, in case of forfeiture, in an action of debt, in any court of Gallatin county having jurisdiction; and, on failure to give such recognizance, the marshal shall commit the said defendant to the county jail, to be dealt with according to law, at the expense of said county.

Authority of city  
judge.

§ 2. The city judge is hereby vested with power to take acknowledgments of deeds and other instruments of writing, take depositions and administer oaths necessary in so doing, and to certify the same, under the seal of said court; and, when so certified, the same shall be taken in evidence, in any court, without further proof, and he shall further have power to administer oaths to the officers of the city, and for general purposes, and to witnesses in any investigation before the city council, etc. Appeals may be taken from the decision of said judge to the county court or circuit court of said county: *Provided*, the county court shall have jurisdiction; and, in the event that the said county court has or has not jurisdiction, said appeal or appeals may be taken to said circuit court in the same manner as appeals are taken from justices of the peace under the laws of this state.

Transcripts  
docket.

of § 3. Transcripts of the dockets of said city judge may be filed with and recorded by the clerk of the circuit court of Gallatin county in the same manner as from other justices of the peace of said county; and said transcripts shall have the same effect against and lien upon real estate that transcripts from other justices of the peace of said county have or may have.

Punishment  
offenders.

of § 4. The city council shall have power to provide for the punishment of offenders, by imprisonment in the city calaboose, (which is hereby construed to mean a city jail, unless a city jail be erected within and by said city in addition to the calaboose,) the county jail, or by both fine and imprisonment, within the jurisdiction of said city judge, under the statute of this state.

§ 5. The said city judge shall adopt a series of rules, regulating the practice in his court, and shall record the same in his docket. He shall also enter the names of attorneys appearing in each case, if any, and for which of the parties said attorneys appeared, respectively; and shall open and adjourn said court, by public proclamation, made by the marshal, his deputy, or some person appointed by the court. He may require written pleadings in said court.

Treasury  
warrants.

war- § 6. All warrants for money on the city treasury shall be ordered and allowed by the city council, signed by the

mayor and attested by the clerk; and when said warrants shall have been presented for payment and the date of presentation entered thereon by the treasurer, the same shall have priority of payment in the distribution of the general fund in said treasury: *Provided*, that no warrant or order shall be drawn on the city treasury, to be paid out of the "levee fund," unless the said warrant shall stipulate that it is to pay for constructing or repairing said levee; nor shall said fund be paid out for any other purpose.

§ 7. The city marshal shall attend, in person or by deputy, the said city court, when in session, and shall therein preserve order, etc. He shall, by himself or deputy, have power to arrest or cause to be arrested, with or without process, upon view or information, all persons who shall break the peace, or threaten to break the peace, or be found violating any ordinance of said city, and may hold such persons for examination or detain them in the calaboose of said city, or other safe place, for the space of thirty-six hours, and until they can be brought before the said city judge. The marshal shall be required to give bond, as collector, in double the amount of the city revenue, to be approved by the city council. Said city judge is hereby required to report to the city council, in writing, at their monthly meeting in each month, the amount of fines, penalties and forfeitures, and other moneys collected by him, belonging to said city. He shall pay the same to the treasurer immediately after making said report, and take his receipt in a book kept for that purpose; which shall be as vouchers in making his annual report to said council; at which time said council shall make a thorough examination of the vouchers, reports and dockets of said said judge; and, to secure this end, the said city council shall require of the said judge a bond, in the penalty of one thousand dollars, payable to the said city; which shall be safely kept, also recorded in the recorder's office of Gallatin county; and any person feeling aggrieved by the official conduct of said judge, may bring suit on said bond, in an action of debt, in any court of Gallatin county having jurisdiction.

Duty of city marshal.

§ 8. In the event that the mayor shall be required to act in the stead of said city judge, as provided in section 3, article fifth, of this act, he shall, before acting, take a similar oath prescribed for and taken by said judge. And said mayor is hereby made a conservator of the peace.

Mayor's oath.

§ 9. The city attorney is hereby made a conservator of the peace, and shall have power to arrest or cause to be arrested, without process, any violator of ordinances. He shall be considered a member of said court, and shall have power to enter *nolle prosequi* in criminal prosecutions in said court; and, in the event of his absence or inability to attend to said duties, may appoint some attorney to act for him; and in the event, further, if no attorney should be elected

Duty of city attorney.

at any regular election the said city council shall have power to appoint one in his stead, to act until his successor is elected and qualified.

Road labor.

§ 10. The inhabitants of the city of Shawneetown are hereby exempted from working on any road extending outside the city limits. And the city council shall provide for all the resident paupers.

§ 11. The city council shall have power, for the purpose of keeping the streets and alleys and wharf in repair, to require, by ordinance, every able bodied male inhabitant in said city, over twenty-one years of age, to work on said streets, alleys and roads, not exceeding five days in each and every year.

Failure to work  
on streets.

§ 12. 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 or alleys or wharf.

§ 13. The city council shall cause to be published in the newspaper in said city having the largest circulation or by posting a written notice in each ward, annually, on the first Monday in May, a complete statement of all moneys received and expended; and said statement shall be certified to be correct by the mayor and city treasurer.

Suits and prosecutions.

§ 14. All suits and prosecutions, instituted by the corporation hereby created, shall be instituted and prosecuted in the name of the city of Shawneetown; and all actions commenced by and all fines and forfeitures which have accrued to the president and trustees of Shawneetown 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 their property, held for the use of the inhabitants of Shawneetown, shall be vested in the corporation hereby created.

§ 15. The city council shall have power to levy a poll tax, of not exceeding one dollar, against each legal voter of said city, for city purposes.

Serving of process.

§ 16. 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 Gallatin county.

§ 17. All fines and forfeitures, recoverable by indictment or action, for any offense committed within the limit of said city, shall be paid into the city treasury, for the use of the city.



§ 18. 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 the courts of this state, without proof.

§ 19. 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, except for constructing or repairing a levee.

§ 20. No person shall be incompetent to serve as a witness or juror in any suit when the city of Shawneetown is a party, by reason of his being an inhabitant of said city; and all ordinances of the president and trustees of Shawneetown shall remain in force till repealed by the city council.

Witnesses and jurors.

§ [21.] The president and trustees of the town of Shawneetown shall cause an election to be held in said town, giving ten days' notice thereof, on the second Monday in March next; at which time all legal voters residing within the limits described in section second, of the first article of this act, shall vote for or against the adoption of this charter; and if a majority of the votes polled at such election are in favor of the adoption of said charter it shall immediately take effect as law; otherwise it shall be of no legal effect. But if a majority of said legal voters, at said election, shall not be in favor of the adoption of this charter, it may be submitted for adoption by said voters at any time within twelve months—the said president and trustees giving ten days' notice of an election to be held for that purpose.

Vote upon charter.

§ [22.] It is hereby made the duty of the said president and trustees to open and examine the poll books, and to announce the result of all elections under this charter, until the said city council shall be elected and qualified; and it is hereby made the duty of the town clerk, and the city clerk thereafter, to certify to the county clerk of Gallatin county the election of said city judge; and the county clerk shall thereupon, without delay, certify the election of said city judge to the governor of the state, as in cases of certifying the elections of justices of the peace; and all acts or parts of acts or laws in any wise conflicting with this act are repealed from and after the passage and adoption of this charter.

APPROVED February 22, 1861.

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AN ACT to amend the charter of the City of Springfield.

In force February 21, 1861.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That* section two of article two, and section one of article three of the charter of the city of Springfield, and also section two of "An act

to amend the charter of the city of Springfield," approved February the eighteenth, A. D. eighteen hundred and fifty-nine, be and the same are hereby so amended, that the annual charter election of the city of Springfield of all officers of said corporation, required to be elected by the charter of said city, or any ordinance thereof, shall hereafter be held on the second Tuesday of April in each year; and upon that day, the mayor, the city clerk, the city attorney, the city marshal, the city assessor and collector, the city treasurer, and city supervisor, shall be elected by the qualified voters of said city. There shall also be elected at the same time, in each ward, by the qualified voters thereof, one alderman, to represent such ward in the city council. All officers elected or appointed under said charter, except aldermen, shall hold their offices for one year, and until the election or appointment and qualification of their successors respectively.

Appointment of officers.

All other officers mentioned in said charter, and not otherwise specially provided for, shall be appointed by the city council, by ballot, on the third 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, and subject to removal from office by the mayor, 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.

City engineer.

§ 2. So much of section seven of article two, or any provision of the city charter, or of the amendments thereof, as requires all officers of the city, or persons elected to office under the provisions of the charter of the city of Springfield, to be qualified voters, at city elections, shall not be held to apply to the office of city engineer; but the city council of said city may appoint any person to fill said office of engineer or surveyor, who may be a citizen of the United States, and who shall have resided in this state one year previous to his appointment to said office.

Petitions.

§ 3. So much of section three of article eight of the charter of the city of Springfield, as provides that a petition shall be presented to the city council, by a majority of the owners of real estate before the levy and collection of a special tax on the real estate, for the purpose of constructing any sewer or drain within any district, shall not be held to apply to the sewerage of the Town Branch in said city. In such case, no petition shall be necessary.

*Be it further enacted*, that the 22nd section of an act entitled "An act to amend the charter of the city of Springfield," approved February 18th, 1859, be and the same is hereby so amended as to give to the city council of said city the power to sewer the water course in said city, known as the "Town Branch," by sections. The power is hereby

Town Branch.

expressly conferred to lay off said Town Branch into as many sections and sewer districts, as to said city council may seem proper, and to build a sewer in any one of said sections and sewer districts, in pursuance of the provisions of said act.

#### TREASURY DEPARTMENT.

§ 4. There shall be, after the next annual election, and there is hereby established in the city of Springfield, an executive department of the municipal government of said city, to be known and styled the "Treasury Department," which shall embrace a city controller, the city treasurer, and the city collector or collectors, and all or any receivers of the city revenues, which are now or may be appointed by law, and all such clerks and assistants, including an auditor, as the city council may, by ordinance, see fit to prescribe and establish. Controller.

§ 5. The said treasury department shall have control of all the fiscal concerns of the said corporation, and shall prescribe the forms of keeping and rendering all city accounts whatever; and all accounts rendered to or kept in the several departments of the city government, shall be subject to the revision and inspection of the officers of this department. It shall settle and adjust all claims whatever for the corporation or against them, and all accounts whatsoever, in which the corporation is concerned, either as debtor or creditor. Business of the  
city treasury de-  
partment.

#### CITY CONTROLLER.

§ 6. There shall, after the next annual election in said city, be appointed, by a vote of a majority of all the aldermen elected to the city council, some discreet and able accountant, to be styled the "City Controller," who shall be chief of said treasury department and hold his office until removed or a successor be appointed; who shall receive such compensation for his services as may be established by law, and who shall be removable at all times by vote of two-thirds of all the aldermen elected to the city council; and he shall give bonds, with securities, to the amount of not less than ten thousand dollars; and the amount of his bond may be increased to such sum as may be fixed by the city council; said bond to be approved by the mayor and city council and filed in the city clerk's office, and entered on record. He shall also be sworn the same as other officers to the faithful discharge of the duties of his office. Official bond.

§ 7. The controller shall, immediately after his appointment, open and keep in a neat, methodical manner, a complete set of books, under the direction of the mayor and finance committee, wherein shall be stated, among other Controller's du-  
ties.



things, the appropriations of the year for each distinct object and branch of expenditure, and also the receipts from each and every source of revenue so far as he can ascertain the same. Said books, and all papers, vouchers, contracts, bonds, receipts, and other things kept in said office, shall be subject to the examination of the mayor, the members of the city council, or any committee or committees thereof.

§ 8. The controller shall be charged with, and shall exercise a general supervision over all the officers of the city charged in any manner with the receipt, collection or disbursement of the city revenues, and the collection and return of such revenues into the city treasury. He shall be the fiscal agent of said city, and as such shall have charge of all deeds, mortgages, contracts, judgments, notes, bonds, debts, or choses in action, belonging to said city, and shall possess and carefully preserve all assessments and tax warrants, and the returns thereof made by any collector or receiver of taxes and assessments, and all leases of markets, and other public property of said city. He shall also have supervision over the city debts, contracts, bonds, obligations, loans and liabilities of the city, the payment of interest, and over all the property of the city, and the sale or the disposition thereof; over all legal or other proceedings, in which the interests of the city are involved, and, with the approval of the mayor, to institute or discontinue such proceedings, and to employ additional counsel, where he thinks the interests of the city require it, and, generally, in subordination to the mayor and city council, to exercise such supervision over all interests of said city as in any manner may concern or relate to the city finances, revenues and property.

Adjustment of claims.

§ 9. It shall be the controller's duty to examine, adjust, and audit all accounts, claims and demands, for or against the city; and no money shall, after his appointment, as aforesaid, be drawn from the treasury, or paid by the city to any person or persons unless the balance due or payable be first established and adjusted by the said controller; and for the purpose of ascertaining the true state of any balance or balances so due, he shall have and he is hereby clothed with full power and authority to administer an oath or oaths to the claimant or claimants or any other person or persons whom he may think proper to examine as to any fact, matter or thing concerning the correctness of any account, claim or demand presented, and the person so sworn shall, if he swear falsely, be deemed guilty of willful and corrupt perjury, and be subject to punishment accordingly, the same as in all other cases.

Warrants on treasurer.

§ 10. All money found to be due and payable by the controller to any person or persons, shall be drawn for by said controller by warrant on the treasurer, which shall be countersigned by the mayor, stating therein the particular fund or appropriation to which the same is chargeable and

the person to whom payable; but if said controller should, upon any examination of any account as aforesaid, still doubt as to its correctness, he shall submit the same to the mayor and finance committee for their decision thereon, which decision shall be binding upon the city, and filed among his other vouchers in the controller's office; and after the appointment of said controller, no money shall be drawn from the treasury except on the warrant of the controller drawn as aforesaid.

§ 11. It shall be the duty of said controller, as nearly as may be, to charge all officers in the receipt of revenue or moneys of the city, with the whole amount, from time to time, of such receipts; and in regard to all tax and assessment warrants for the collection of revenue, and all licenses or permits whatever, issued or granted under any ordinance or law of the city, by virtue of which money is receivable or to be received or paid into the city treasury from or by any person or persons, he shall countersign the same, charging the proper officer the amount collectable thereon; and no tax or assessment warrant, license or other permit issued or granted, under which the collection of any money for said city may be authorized, shall be of any validity or force whatever, unless countersigned by said controller. He shall also require of all officers in receipt of city moneys, that they shall submit reports thereof, with vouchers and receipts of payment therefor, into the city treasury, weekly or monthly, or as often as he shall see fit to require the same, by any regulation which he may adopt; and if any such officer shall neglect to make an adjustment of his accounts, when so required as aforesaid, and to pay over such moneys so received, it shall then be the duty of the said controller to issue a notice, in writing, directed to such officer and his securities, requiring him or them, within ten days, to make settlement of his said accounts with the controller, and to pay over the balance of moneys found to be due and in his hands belonging to said city, according to the books of said controller; and in case of the refusal or neglect of such officer to adjust his said accounts, or pay over said balance to the treasury, as required, it shall then be the duty of said controller to make report of the delinquency of such officer to the mayor, who shall at once suspend him from office; and the mayor of said city is hereby authorized, upon the happening of such event, to declare said office vacant, with the concurrence of the city council, and to nominate a successor, in case of removal, who shall be appointed by and with the advice and consent of the city council, to fill said office for the unexpired term of the officer so dismissed, as aforesaid.

Receipt of revenue, &c.

Official reports.

Delinquencies.

§ 12. The controller shall make out an annual report for publication, in the month of March in each year, at least ten days before the election, giving a full and detailed state-

Annual police report.

ment of all the receipts and expenditures of money during the year ending on the first day of March. The said statement shall also detail the liabilities and resources of said city, the condition of all unexpended appropriations and contracts unfulfilled, and the balance of money then remaining in the treasury, with all sums due and outstanding; the names of all persons who may have become defaulters to the city, and the amount in their hands unaccounted for, and all other things necessary to exhibit the true financial condition of the city; which report, when examined and approved by the finance committee, shall be published by him in some newspaper or newspapers, in the city of Springfield, authorized to publish the ordinances of the city, at least one week before the annual election.

Estimate of yearly expenses.

§ 13. The said controller shall, also, in the month of April, in each year, before the annual appropriations are made by the city council, submit to the same a report of the estimates necessary, as nearly as may be, to defray the expenses of the city government during the ensuing fiscal year, commencing on the first day of the said month of March. He shall in said report class the different objects and branches of said city expenditure, giving as nearly as may be the amount required for each, and for this purpose he is authorized to require of all city officers and heads of departments their statements of the condition and expense of their respective departments and offices, with any proposed improvements, and the probable expense thereof; of contracts already made and unfinished, and the amount of any unexpended appropriations of the preceding year. He shall also, in such report, show the aggregate income of the preceding fiscal year, from all sources; the amount of liabilities outstanding, upon which interest is to be paid, and of bonds and city debts payable during the year, when due and when payable, so that the city council may fully understand the money exigencies and demands of the city for the ensuing year. But in no event shall the city council make the current appropriations of any year exceed in amount the income of the city during the preceding year, as ascertained by the controller in his said statement, unless in the payment of interest on the public debts of the city. They shall provide, according to law, by taxation or otherwise, some additional fund out of which such excess of appropriations may be made to meet such indebtedness.

Improvements of city.

§ 14. The controller shall also keep in his office a correct list of all local and public improvements ordered by the city council and under contracts by the city, copies of which shall be furnished him by the city clerk, and all contracts and estimates made by the city council or any officer of said city, in relation to such improvements, for any work contracted or undertaken, done or finished, shall be filed



in said controller's office, and no contract made shall be of any validity, unless countersigned by said controller.

#### CITY TREASURER.

§ 15. The city treasurer shall hereafter keep his office in some place, to be designated by the city council, appropriated to the keeping of such office in the treasury department. He shall keep his books and accounts in such manner as the city controller or city council may prescribe, and such books and accounts shall always be subject to the inspection of said controller and the finance committee.

Office of the city treasury.

§ 16. All warrants drawn upon the treasurer must be signed by the controller 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 money shall be otherwise paid than upon such warrants so drawn.

§ 17. He shall keep a separate account of each fund or appropriation, and the debts and credits belonging thereto.

§ 18. He shall give every person paying money into the city treasury a duplicate receipt therefor, specifying the date of payment; upon what account paid; and he shall also file copies of such receipts with the city controller at the date of his monthly reports, as herein provided.

Receipts.

§ 19. The treasurer shall, at the end of each and every month, and oftener if required, render an account to the controller, showing the state of the treasury at the date of such account, and the balance of moneys in the treasury. He shall also accompany such account with the duplicate of all receipts issued by him for moneys received into the treasury, together with all warrants redeemed and paid by him; which said receipts and warrants, with any and all other vouchers held by him, shall be delivered over to the controller, and filed with his said account in the controller's office upon every day of such settlement.

Monthly report.

§ 20. The treasurer shall keep all moneys in his hands belonging to the city, in such place or places of deposit as the city council may hereafter, by ordinance, provide, order, establish or direct; and such moneys shall be kept distinct and separate from his own moneys; and he is hereby expressly prohibited from using, either 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 city council, who are hereby authorized to declare such office vacant; and the mayor, in case of said removal, shall nominate a successor, who shall be appointed to said office upon the con-

Money to be kept as directed.

firmation of said city council, and hold his office for the remainder of the unexpired term of such officer so removed.

Annual report. § 21. The treasurer shall also report to the city council, annually, on the first Monday of March in each and every year, and oftener, if required, a full and detailed account of all receipts and expenditures, and the state of the treasury. He shall also keep a register of all warrants redeemed and paid into the treasury during the year, describing each warrant, its date, amount, number, the fund from which payable, and person to whom paid, specifying also the time of receipt thereof; and all such warrants shall be examined, at the time of making such annual report to the city council, by the finance committee, who shall examine and compare the same with the books of the controller and report discrepancies, if any, to the city council.

#### CITY COLLECTOR.

§ 22. The city collector, hereafter to be elected by the people, shall keep his office in such place as may be designated and provided by the city council, appropriated to the keeping of such office, in the treasury department, and shall keep in said office, besides his collection and revenue warrants, such other books, vouchers, records and accounts as the controller may, by regulation of the department direct and prescribe, which books and records, with all other papers, shall remain in and pertain to said office, and be handed over to the successor of said officer.

Official papers. § 23. All of the city collector's papers, warrants and vouchers shall be examined by and the same are hereby placed under the supervision of the treasurer and controller, together with the finance committee; and the said collector shall, on 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 controller's office.

Report of controller. § 24. The city collector shall make [report] in writing, to the controller, monthly, or oftener if required, of the amount of all moneys collected by him; the account upon which collected, and shall [file] with him the vouchers or receipts of the treasurer for the amounts so collected.

Penalty for retaining money, &c. § 25. The city collector is hereby expressly prohibited from keeping the moneys of the city in his hands, or that of any person or corporation, to his use, beyond the time prescribed for the payment of the same to the city treasurer; and any violation of this provision shall subject him to removal from office, in the manner now provided by law; 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 city council.

Successor.

§ 26. The city collector shall, on the first Monday of March of each year, submit to the city council a statement of all the moneys by him collected during the year, and the particular warrant, assessment or account upon which collected, and the balance of moneys uncollected on the warrants in his hands, or returned to the controller, and a copy of such statement shall also be filed with the controller.

§ 27. The finance committee and the controller shall annually meet in the month of March, and compare all such reports and statements as are made by the controller, treasurer and collector, and report thereon to the city council.

Inspection of reports.

§ 28. In the adjustment of the accounts of the treasurer and collector with the controller there shall be an appeal to the finance committee, whose decision in all matters of controversy, arising between said officers in the treasury department, shall be binding, unless the city council shall otherwise direct and provide.

§ 29. The said controller, collector and treasurer shall perform such other duties and be subject to such other rules and regulations as the city council may, from time to time, by ordinance, provide and establish.

§ 30. All acts or parts of acts, not inconsistent with this act, shall remain in full force and effect.

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

APPROVED February 21, 1861.

#### AN ACT to incorporate the Springfield Water Works Company.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That John Williams, R. F. Ruth and C. W. Matheny be and they are hereby named and constituted as a board of water commissioners for the city of Springfield. who, and their successors in office, shall be a body politic and corporate, by the name and style of "The Board of Water Commissioners of the City of Springfield," and by that name shall have perpetual succession, with power to contract, sue and be sued; to purchase, hold and convey personal and real estate; to have a common seal, to alter and change the same at pleasure; to make by-laws, and do all legal acts which may be necessary and proper to carry out the intent and to effect the objects of this act.*

Water commis-  
sioners.

§ 2. The said commissioners shall hold their offices, respectively, for the term of three, four and five years. Said commissioners shall, within sixty days after the passage of

Term of office.



this act, decide, by lot, their respective terms; which decision the city council shall be notified of by a written statement, which shall be entered of record on the journals of said city council; and on the first Tuesday of April, in the year of our Lord one thousand eight hundred and sixty-four, and on the first Tuesday of April annually thereafter, there shall be an election held by the qualified voters in said city, in the same manner and at the same hours and places that elections are held for the election of mayor, for the election of one or more commissioners to fill all vacancies occasioned by the termination, in any manner, of the term of any commissioner under this act. The said commissioners named in this act, and in case of the death or resignation of any of said named commissioners, those appointed and confirmed by the city council to fill such vacancy, shall hold their offices until the election and qualification of their successors. And all commissioners elected subsequent to the first election aforesaid shall hold their office for the term of three years. And in case of the death or resignation of any of said commissioners the remaining commissioners shall nominate some citizen of said city, being a qualified voter, to fill such vacancy, and shall present such citizen to the city council of said city for confirmation; who, if confirmed by said city council, shall have full power to act as such commissioner; but, if the said city council shall refuse to confirm such nomination, said commissioners shall nominate another, and so on, until such confirmation shall be made; such person, when confirmed, shall fill such vacancy until the next regular election of commissioners to be held after such confirmation.

Vacancy in office.

Report to city council.

§ 3. The said commissioners may make such division of duties among themselves, for each year of their term, as they shall deem expedient, and shall report, in writing, to the city council, the nature and extent of the duties assigned to each commissioner; which report shall be made on the first Monday of May, in each year; and the council shall fix the salary to be paid to each commissioner for the performance of the duties so specially assigned to him.

Duties of commissioners.

§ 4. It shall be the duty of the said commissioners to consider all matters relative to supplying the city of Springfield with a sufficient quantity of water, to be taken and conducted from the Sangamon river; said commissioners to use all reasonable means to furnish the water from said river in as pure and wholesome a state as possible.

Engineers, &c.

§ 5. The said commissioners shall have power, and it is made their duty to employ engineers, surveyors and such persons as in their opinion may be necessary to enable them to perform their duties under this act.

Buildings and machinery.

§ 6. Said commissioners shall have the power, and it is hereby made their duty, as fast as the necessary funds shall be provided, to purchase such lot or lots of land, and to

construct such buildings, machinery and fixtures as shall be deemed necessary or desirable to furnish a full supply of water for public and private use in said city.

§ 7. Said commissioners shall have power to build a dam across the Sangamon river at such point as they shall deem most convenient and desirable, and to make all necessary excavations, and to erect all necessary buildings at the said river on such lot or lots of land as they may purchase for that purpose, and to procure the right of way from such point as they shall agree upon at said river across all lands between the same and such lot or lots of land as they shall fix upon at the city of Springfield for the laying down of all necessary pipes; and to construct reservoirs, jets and public and private hydrants, and to lay pipes in and through all the alleys and streets of said city; and also to construct fountains in the public grounds of said city as they shall deem proper with the consent of the city council.

Reservoirs, pipes,  
&c.

§ 8. The said commissioners shall have power to borrow, from time to time, as they and the city council shall deem expedient, a sum not exceeding two hundred thousand dollars, upon the credit of said city of Springfield; and shall have power, by and with the approval of the city council of said city, to issue bonds pledging the faith and credit of said city for the payment of the principal and interest of said bonds; which bonds shall be issued under the corporate seal of the city of Springfield and signed by the mayor and city clerk, and may be made payable at such place and in such currency as they shall deem expedient, and bear interest not exceeding eight per centum per annum: *Provided*, that no bonds shall be issued until the city council shall have approved of such issue by a vote of a majority of all the aldermen by law authorized to be elected. It shall be the duty of the said commissioners to keep an accurate register of all bonds and all interest coupons issued by them, showing the number, date and amount of each bond and coupon, and to whom issued and where payable; and it shall be the duty of the city clerk to register the said bonds when approved as aforesaid, in the same manner as the other indebtedness of said city is registered: *Provided, further*, that all funds derived from the sale of the bonds of said board or from water rents or otherwise, shall be exclusively used for and appropriated by said board to the objects and purposes specified in this act, nor shall any part thereof be loaned to or used by the said city of Springfield.

Borrowing of money and issuing of bonds.

§ 9. The said commissioners shall, from time to time, assess the amounts to be paid for water used at each house or other building, against the occupant or occupants owner or owners of such house or other building, upon such basis as they shall deem equitable; and such water rents shall become a continuing lien upon such house or other building, for the accommodation of which water shall have been in-

Water rents.

troduced, and upon the land or lot on which such house or other building stands, when said lot or land and building are owned by the same person or persons, from the time the water shall have been introduced as aforesaid.

§ 10. The said board shall have the power, and it shall be their duty, to assess as water rents such amounts as they shall deem equitable, upon the owner or owners, occupant or occupants of any building or buildings which shall be situated on lots adjoining any street, avenue or alley in said city, through which the distributing water pipes are or may hereafter be laid from which such building or buildings can be conveniently supplied with water, whether the said owner or owners shall make use of such water or not; and said water rates shall be and become a continuing lien or charge upon all such buildings and the lot or lots upon which such buildings are situated, if owned by the same person or persons as such building or buildings, and shall be collected in like manner with other water rates of said city.

Assessment for  
use of public hy-  
drant.

§ 11. The said commissioners shall also, from time to time, assess upon the person or persons occupying or owning any house or other building situated in the vicinity of any public hydrant, when said house or other building is not supplied by a private hydrant, such amount as in their judgment the occupant of such house or other building might be benefited by the use of such public hydrant; and such assessment, when so made, shall be a lien upon such house or other building, and upon the lot upon which the same may stand, when said house or other building and lot are owned by the same individual, in the same manner as other water rates of said city.

Collection of wa-  
ter rents.

§ 12. It shall be the duty of the said commissioners to collect the rents so assessed, as required in the foregoing sections; and in case any person or persons so assessed shall neglect to pay any such assessment for ten days after the time fixed for the payment thereof, of which notice shall be given in some newspaper published in the said city; such notice to be at least ten days before the time fixed for the payment of such rents. Said commissioners shall issue their warrants under the seal of said corporation, directed to the marshal or any constable of said city, commanding him to make the amount specified in such warrant, being the amount due for water rents, as aforesaid, together with the costs of advertising the same, and such fees as constables are entitled to by the laws of this state, in the levy and sale of personal property upon execution, out of goods and chattels of the person so assessed, as aforesaid; and the marshal or constable, in such case, may levy, under said warrant, upon any personal property of the person or persons against whom the same is issued, and sell the same at public auction, after giving ten days' notice of the time and



place of sale in some newspaper published in said city; and such warrants shall authorize the sale of any house or building on which any lien shall have attached, as aforesaid, subject only to such *bona fide* incumbrances as shall have existed prior to the time of the introduction of such water, as aforesaid.

§ 13. It shall be the duty of the said board to return to the city council, as often as said board shall deem necessary, the warrants for the collection of water rents issued by them as provided above, which have been returned to said board unsatisfied; and shall report to the city council, at the same time, the building or buildings, lot or lots, to which the amounts specified in such warrants are respectively chargeable; and the city council shall thereupon take the same proceedings for the collection of such amounts as are or may hereafter be provided by the charter and ordinances of said city for the collection of the amount due in any warrant for the collection of sidewalk assessments, after such warrant has been returned unsatisfied; and the amount, when so collected, shall be paid to the said board.

§ 14. The said board shall cause to be printed on each water permit, issued to any party using the water, a copy of all rules and restrictions regulating the use of the water which shall be adopted by them; and they shall further report a copy thereof to the city council, who shall thereupon pass an ordinance establishing such rules and regulations, and providing penalties for their violation—which penalties may be enforced in any court having jurisdiction of any offense against any of the ordinances of the said city. In all cases where said water rates are not paid as required by this act, and the rules, regulations and ordinances passed in pursuance thereof, and in all cases where the rules and restrictions caused to be printed on the said permits by the said board are not complied with, the said board shall have the right to stop or cut off the supply of water from any person or persons refusing or neglecting such payment or compliance. Water permits.

§ 15. It shall be the duty of said commissioners to construct hydrants of sufficient size and capacity and in such localities as they shall deem desirable for the purpose of extinguishing fires; and they shall assess the houses and other buildings in the vicinity of the said hydrants, in the proportion in which they shall deem the same respectively benefited; and the said assessment shall be collected in the same manner as herein provided for the collection of the water rent assessed by said corporation. Hydrants for extinguishing fires.

§ 16. The said commissioners shall keep an accurate account or record of all proceedings, together with a list of all assessments for water rents, which shall be subject to inspection at all times, and may elect one of their own number to act as secretary of said board, or employ some Record of business and report.

other competent person for the purpose, as they may deem desirable.

§ 17. It shall be the duty of said commissioners to make report to the city council semi-annually, which report shall embrace a statement of the funds and securities of said corporation, and all debts due and owing to and from said corporation, together with an accurate account of their expenditures—which statement shall be certified by said commissioners under oath, and shall be entered of record by the clerk of the said city, and published in some newspaper in said city of Springfield.

Receipts.

§ 18. Whenever the receipts of the said corporation from water rents and other sources shall accumulate so that there shall be a surplus amounting to a sum not less than five hundred dollars not needed for the current expenses of the said corporation, it shall be the duty of the commissioners to invest the same first in the payment of interest on said bonds as it becomes due, or in the purchase of the outstanding bonds of said company, if they can be purchased at or below par; if not, then in the purchase of United States or state government stock, or upon unincumbered real estate in the county of Sangamon, of at least double the value of the amount loaned, with the approval of the mayor and committee of finance of the city council, or a majority of them. Such investment shall be made in the name of said corporation, and in such manner as to make the same available for the payment of the interest and principal of the bonds issued by them. The semi-annual report of the said board shall specify in full the nature and amount of the respective securities in which the said surplus fund is invested.

§ 19. No one or more of said commissioners, nor any of the officers of said board, nor any member of the city council, during the term for which they were elected, shall be interested, directly or indirectly, in any contract entered into by said board with any person, nor in the purchase of any materials to be used or applied in or about the uses and purposes contemplated in this act.

Removal  
office.

from § 20. The said commissioners, or either of them, may be removed from office by the judge of the circuit court of Sangamon county, or the judge of the circuit in which Sangamon county is situated, upon petition addressed to said judge, at any time, by the order of the city council of said city. The said petition shall be voted by a majority of all the members of said council, and, when presented to such judge, shall be accompanied by specification of charges made against said commissioner or commissioners. No technical form shall be required for the statement of said charges, so that the same are stated in such a form as to be specific and intelligible. The judge to whom such petition is addressed, upon presentation of said petition, shall order

a copy thereof to be filed in said court of which he is judge, and notice of the filing thereof to be issued forthwith by the clerk of said court to said commissioner, and that the same would be taken up at the next term of said court after the service of such notice upon said commissioner. The said judge shall sit as a special commissioner to try said charges, and the course of proceedings in said trial shall be governed by the general rules of procedure in the trial of misdemeanors in the courts of this state, excepting that no jury shall be allowed. Evidence may be given, either orally or by deposition, as in civil cases, and the said commissioners may each be interrogated upon oath, touching the matter contained in said charges; and if it shall appear to the satisfaction of such judge that the said commissioner or commissioners, charged as aforesaid, have been guilty of malfeasance in office, or of any breach of duty, either of commission or omission, under this act, which shall have been charged as aforesaid, the said judge shall order the removal of any one or more of said commissioners; and if the said judge shall, for any cause, remove any one or more of said commissioners from office before the expiration of the term of office, the city council shall thereupon appoint a commissioner or commissioners in the stead of those so removed, who shall fill such office for and during the unexpired term of the commissioner or commissioners so removed.

§ 21. It shall be the duty of said commissioners, at least thirty days before the time fixed by the city ordinance for assessing city taxes, to make a special report to the city council of said city what, if any, sum will be needed by said commissioners, over and above the revenue of said corporation, to meet the payment of interest or principal of the bonds issued as aforesaid; and it shall be the duty of the city council to raise said amount by a special tax in the same manner as general taxes, to be designated water tax; and the said amount shall be paid over to the said corporation by the collector of said city. Taxes to pay interest.

§ 22. The said commissioners are hereby authorized to enter upon any land or water for the purpose of making surveys, and to agree with the owner of any property which may be required for the purposes of this act, as to the amount of compensation to be paid to such owner. Right of way.

§ 23. In case of disagreement between the commissioners and owners of property which may, in the judgment of the commissioners, be required for any of the purposes specified in this act, as to the amount of compensation to be paid such owners, or in case any such owner shall be an infant, a married woman, or insane, or absent from this state; or in case of disagreement between the said commissioners and any owner or owners of property, touching the amount of damages arising from the construction of any



part of the work authorized by this act, the said commissioners 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 right of way for purposes of internal improvements," approved June 22, 1852, and the act or acts of which the same is an amendment.

§ 24. No account or claim against the said board shall be allowed, except by the vote of a majority of the said board.

Custody of funds.

§ 25. No member or other officer of said board, and no member of the city council, shall, either directly or indirectly, receive any interest or profit whatsoever on account of the deposit of any of the funds belonging to the said commissioners, nor shall any member or other officer of the said board, or any member of the city council, either directly or indirectly, make use of or borrow any of the funds of the said commissioners for his own private benefit or advantage. The funds of the said commissioners remaining on hand shall, at all times, until disposed of, be kept deposited in such place or places of deposit as shall, by an order of said board, be directed—which order shall be entered upon the records of the said board. The said commissioners shall be liable upon their bond for the loss of any or all money coming into their possession or control as such commissioners.

§ 26. The funds of the said board shall be drawn out upon checks or drafts, regularly numbered, and payable to the order of the respective person or persons for whose benefit the same are intended, and briefly specifying for what purposes or account the same are drawn. A careful register of the checks or drafts shall be kept in the office of said board, and the original checks or drafts, when returned to said board, shall be carefully filed and preserved among the vouchers of the said board; and the said register and the said returned checks or drafts shall always be subject to the examination of the finance or any other committee appointed by the city council for such purpose; and it shall be the duty of the said finance committee, or some other committee, or of such other person or persons as may be appointed by the city council for such purpose, to examine the said register, and the cash accounts and the checks and drafts of the said board, at least once in three months, and oftener if the city council shall deem it expedient.

Records and accounts.

§ 27. It shall be the duty of the said commissioners to keep books of account, showing with entire accuracy the amount of the receipts and expenditures of such board, in such manner as to enable the same to be readily understood

and investigated, and also to carefully preserve on file in their office vouchers for all their expenditures—which books and vouchers shall at all times be open to the examination of the finance committee of the city council, or any other committee, person or persons appointed by the city council for such purpose; and it shall be the duty of the said finance committee, or any special committee appointed for such purpose, at the time of the presentation of the semi-annual reports of the said board to the council, as herein provided, to make a thorough examination of the books, accounts and vouchers of the said corporation, and to report, in writing, to the city council, the results of said investigation.

§ 28. The said commissioners, as soon as they shall have decided by lot their respective terms, they and their successors annually thereafter, on the first Monday of May, shall elect a superintendent, who shall perform all such duties and acts as they, the said commissioners, have the power to perform by virtue of this act, and as they may adopt, by written order, and assign to such commissioner. The superintendent so elected may be removed at any time by a vote of all the members of the board. Superintendent.

§ 29. All contracts made and entered into by and with the said board shall be made in writing, and of each contract two copies shall be taken, which shall be numbered and indorsed with the date of the contract, and with the name of the contractors, and a summary of the work to be done or materials to be furnished, one copy of which shall be retained by the said commissioners, and the other copy of which shall be filed with and kept and preserved by the clerk of said city among the files of said office. Contracts.

§ 30. The said commissioners, after they shall have decided by lot their respective terms, shall succeed to and take the control of the Springfield water works, (contract for the building of which has been entered into by and between the city of Springfield and Ennis & Eastman,) and also to succeed to and take the control of such lot or lots of land as have been or may be purchased or procured for the use of said works. Said commissioners shall have the same powers, rights and privileges with respect to and to the control and regulation of said lands and works that said board would have had, had the lot or lots referred to been purchased by said commissioners, and the work contracted for with them and by their authority under this act: *Provided*, that nothing in this act shall be construed so as to interfere with or invalidate said contract; nor shall any thing contained in this act release or impair any of the obligations or provisions of that or any other contract by and with the said city of Springfield in relation to said water works.

Superintendent's  
salary.

§ 31. The salary of said commissioners and superintendent shall be fixed by the city council of said city from time to time, as soon as may be after the passage of this act, and after each election as herein provided; and the amount of such salary shall not be reduced during the term for which said commissioners shall be elected.

Official bonds.

§ 32. Each commissioner, before entering upon the duties of his office, shall give bond to said city in such sum and with surety to the satisfaction of the city council of said city, conditioned for the faithful performance of his duties as such commissioner—the amount of which bond may be increased at any time, as the said city council may deem expedient; and the city council shall have the power to require the superintendent to give such bond to said city as it shall deem necessary and expedient.

Preservation of  
property.

§ 33. The city council may pass such ordinances as they shall deem necessary for the preservation of the property of said board and the water procured by said corporation, and annex such penalties in such amounts as they shall deem appropriate, not exceeding the sum of one hundred dollars. Said penalties may be collected before any police magistrate of said city, as other penalties are collected for violations of the ordinances of said city, whether said injury to said property or water shall be to the property or water within or without the city limits, and within the county of Sangamon: *Provided*, that nothing contained in this section, or in any ordinance passed in pursuance thereof, shall deprive the proper party of the right to have and maintain the proper action for damages caused by said injury or of any person to prosecute the offender for a violation of the criminal code of this state in its commission.

Proposals for con-  
tracts.

§ 34. Public notice shall be given of the time and place at which sealed proposals will be received for entering into all contracts with said corporation. All proposals for contracts shall be sealed, and be for a sum certain as to the price to be paid or received, and no proposition which is not thus definite and certain shall be received or acted upon.

§ 35. Every person who shall enter into any contract shall give satisfactory security to the commissioners for the faithful performance of his contract according to its terms.

§ 36. All acts or parts of acts heretofore in force, and inconsistent with the provisions of this act, are hereby repealed.

§ 37. This act shall take effect from and after its passage.  
APPROVED February 21, 1861.



AN ACT providing for the submission of the act incorporating the Springfield Water Works Company of the City of Springfield to the qualified voters thereof. In force February 21, 1861.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That at a special election, hereby ordered to be held on Tuesday, the 12th day of March, A. D. 1861, the qualified voters of the said city of Springfield may vote for or against "An act to incorporate the Springfield Water Works Company," passed the 20th day of February, A. D. 1861. Special election.

§ 2. The question shall be submitted to the qualified voters, aforesaid, by ballot, to be written or printed or partly written or partly printed, "For the Act incorporating the Springfield Water Works Company," or "Against the Act incorporating the Springfield Water Works Company;" to be canvassed and returned in like manner as votes for city officers of said city.

§ 3. If a majority of the votes cast at said election shall be found for the act incorporating the Springfield Water Works Company, then the said act shall be and remain in full force and effect. And if a majority of the votes cast at said election shall be found against the act incorporating the Springfield Water Works Company, then said act shall be null and void.

§ 4. The city council of said city shall have power to designate the judges and clerks, and the place in each ward of said city for holding the said election; and the city clerk of said city shall give notice of said election, as soon after the passage of this act as may be, by publication in two of the newspapers published in said city until the day of said election.

§ 5. This act shall take effect and be in force from and after its passage. And the said act to incorporate the Springfield Water Works Company shall not take effect or in no wise be in force unless approved by a majority of the voters at the election hereby provided. Places of voting.

APPROVED February 21, 1861.

AN ACT to authorize the Governor and Secretary to contract with the Water Commissioners of the City of Springfield and with said City for the purposes herein named. In force February 22, 1861.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the governor and secretary are hereby authorized to contract with the board of water commissioners of the city of Springfield for an adequate supply of water for the public buildings in Price to be paid for water.

the city of Springfield: *Provided*, such contract shall secure a supply of water as long as it is supplied to any citizens of the city of Springfield: *And provided, further*, that the price agreed to be paid shall not ratably exceed the price paid by citizens of said city of Springfield.

Fixtures for public buildings.

§ 2. The governor and secretary are further authorized to make contracts for pipes, hydrants and other fixtures necessary and proper to secure an adequate supply of water for the public buildings, either with the said board of water commissioners or other parties, at such prices as shall be paid for similar work and materials at Springfield.

Sewerage of the state house.

§ 3. The governor and secretary are further authorized to contract with the city of Springfield for the right to connect the sewerage of the state house grounds with any sewer belonging to said city, and to contract for the making of a sewer for the drainage of such public grounds: *Provided*, that no expenditure shall be made under this act, nor any contract consummated, until after the introduction of water into the city of Springfield by said board of water commissioners.

APPROVED February 22, 1861.

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In force February 18, 1861. AN ACT to amend an act entitled "An act to charter the city of Urbana," approved February 27th, 1855.

Sale of lots for tax.

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 Urbana," approved February 27th, 1855, be so amended as to allow the said city to acquire title to lands or town lots, within the limits of the same, upon which default shall be made in payment of taxes hereafter due said city from said lands or town lots, upon any assessment whatever, legally made by said city. That when the same shall be offered for sale, as now provided by law, and not sold, for want of purchasers, it shall be and the same is hereby declared to be forfeited to the said city of Urbana; and thereafter all right, title and claim of the former owners shall be considered as transferred and vested in the said city: *Provided*, that at any time previous to the expiration of two years from the date of such forfeiture the owner or owners, or the assignee, devisee or mortgagee of said owner or owners, may redeem the same, by paying to the county clerk of Champaign county double the amount of taxes and costs due at the time of the forfeiture, together with interest at the rate of ten per cent. per annum, on the same, and such costs as may have accrued to said city since the forfeiture.

§ 2. If, at the expiration of the two years aforesaid, the lands or town lots thus forfeited shall not be redeemed, in accordance with the provisions of the preceding section, the said city shall be entitled to a deed for the lands or town lots so forfeited, upon complying with the conditions prescribed for individuals, under the same circumstances, by the statutes of this state: *Provided*, that the mayor of said city shall be competent to give the notice and make the oath required by said statutes.

Failure to re-deem.

§ 3. That the lands or lots, so acquired, may be conveyed by the mayor of said city to individuals by quit claim deed, when the same shall be ordered by the common council of said city.

§ 4. That in all cases where the said city shall be indebted to any person or persons, on any account whatsoever, and the same shall have been audited and ordered paid by the common council of said city, orders may be drawn on the treasurer of said city for the same, in such amounts as the person owning the claim may desire, anything in the general laws of this state to the contrary notwithstanding: *Provided*, that the aggregate amounts of said orders shall not exceed the amount due.

Orders on the treasurer.

APPROVED February 18, 1861.

AN ACT to incorporate the Chicago Board of Underwriters of the City of Chicago. In force February 22, 1861.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That T. L. Miller, Julius White, H. B. Wilmarth, C. N. Holden, S. T. Atwater, B. W. Phillips, S. C. Higginson, Alfred James, and their associates, now composing the Chicago board of underwriters, and such parties as may hereafter be admitted members thereof, are hereby created a body politic and corporate, under the name and style of "The Chicago Board of Underwriters of Chicago;" and by that name may sue and be sued, implead and be impleaded, receive and hold property and effects, real and personal, by gift, devise or purchase, and dispose of the same, by sale, lease or otherwise; said property, so held, not to exceed at any time the sum of two hundred thousand dollars; may have a common seal, and alter the same from time to time; and make such by-laws, rules and regulations, from time to time, as they may think proper or necessary, for the government of the corporation and the management of their business and the mode in which it shall be transacted, as they may think proper, not contrary to the laws of the land.

Corporate name.



Constitution and  
by-laws.

§ 2. That the constitution, by-laws and rules and regulations of the said existing Chicago board of underwriters shall be the constitution, by-laws and rules and regulations of the corporation hereby created, until the same shall be regularly repealed or altered. And the present officers of said board, known as the Chicago board of underwriters, shall be the officers of the corporation hereby created, until their respective offices shall regularly expire, or be vacated, or until the election and installation of new officers, according to the provisions hereof.

Officers.

§ 3. The officers shall consist of a president, vice president, treasurer, secretary and chief surveyor, and such other officers as may be determined upon by the by-laws, rules and regulations of said corporation. All of said officers shall, respectively, hold their offices for the length of time fixed upon by the by-laws, rules and regulations of said corporation hereby created, and until their successors are elected and qualified.

§ 4. The object of this corporation shall be to promote the best interests of all insurance companies transacting the business of marine, fire and life insurance, in the state of Illinois.

Committees  
arbitration,  
appeal, &c.

§ 5. Said corporation may elect, constitute and appoint committees of arbitration and appeal, and committees on fines and penalties, who shall be governed by such by-laws, tariffs and rules and regulations, for the settlement of such matters as may be voluntarily or otherwise submitted to them by the corporation. The acting chairman of any committee, so elected, constituted or appointed, may administer oaths to the parties and witnesses and issue subpoenas and attachments, compelling the attendance of parties and witnesses, the same as a justice of the peace, and in like manner directed to any constable to execute.

Chief surveyor.

§ 6. Said corporation shall have power to elect a chief surveyor and to appoint as many assistant surveyors as they may see fit, who shall have the legal right to examine, inspect and survey any property, whatever, insured or upon which application is made for insurance, and all property upon which insurance can be effected; and such surveyors may be appointed and act as fire marshals, fire police or fire wardens, by and under any municipal or state authority within the state of Illinois that has the power to appoint them as such.

Fines

§ 7. Said corporation may inflict fines upon any of its members, and collect the same, for breach of its by-laws, rules, regulations, tariffs and rates. Such fines may be collected, by action of debt, before a justice of the peace, in the name of the corporation.

§ 8. Said corporation shall have no power or authority to do or carry on any business, excepting such as is hereto-

fore mentioned in this act of corporation or such as is usual in boards or associations of underwriters.

APPROVED February 22, 1861.

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AN ACT to authorize the County Court of Clinton County to assess an additional tax for County purposes. In force February 18, 1861.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That the county court of Clinton county be and is hereby authorized to assess an additional tax, not exceeding thirty cents on each one hundred dollars' worth of taxable property in said county, for the purpose of rebuilding the jail in said county, that was destroyed by fire, and for other purposes. This act to be in force from and after its passage.* Rebuilding of jail.

APPROVED February 18, 1861.

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AN ACT to incorporate the DuQuoin Coal Mining and Manufacturing Company. In force February 20, 1861.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That Chester A. Keyes, Isaac S. Metcalf, Franklin Campbell, Stephen R. Wetmore, George W. Wall, Gilbert Nettleton and William K. Parish, and their associates, successors and assigns, be and are hereby created a body politic and corporate, by the name and style of "The DuQuoin Coal Mining and Manufacturing Company;" and by that name shall have succession, with power to contract and be contracted with; sue and be sued, in all courts and places; to have a common seal, and change the same at pleasure; to engage in the mining, manufacturing, sale and transportation of coal, iron, coke, coal oil, and all kinds of mechanical and manufacturing business, by mills, furnaces, founderies, factories, machine shops, shafts, pits and other structures, for mining, manufacturing and constructing any and every kind of articles, of coal, iron, wood, metals, wool, flour, meal or other material, or any composition, combination or mixture of them, and to carry on the same by steam or other power or mode, not forbidden by law.* Name and powers of corporation.

§ 2. The said company may receive, purchase and hold any real estate, leasehold property, chattels real, mining rights and personal property, for the purpose of mining and manufacturing as aforesaid and preparing for sale, transpor- Purchase and possession of real estate.

tation and selling any and all of said articles, minerals and fabrics as may be deemed necessary by them to the successful prosecution of their business and the execution of the powers herein granted; and may buy, build and own machinery, boats, houses, for carrying on their business; and may sell and convey their real and personal property or lease the same; and may receive real estate and personal property, in payment of stock; and shall have power to construct and open such wagonways or railways, and appurtenances thereto, either above or below ground, to such points as they may deem expedient; and to draw bills of exchange, promissory notes or bonds, in the prosecution of their business; and, for such purpose, are hereby vested with all the rights and powers of other corporations in this state.

Capital stock.

§ 3. The capital stock of said company shall not exceed one hundred thousand dollars, and shall be divided into shares of fifty dollars each; and the owner of stock in said company shall, by himself or by proxy, be entitled to cast one vote for each share at all elections held by this company for president and directors, after the organization thereof, as provided in section four of this act.

Books of subscription.

§ 4. The corporators named in the first section of this act, or a majority of them, or of the survivors, in case any should die, are hereby authorized to open books of subscription to the capital stock of said company, at such places and times as they may deem most appropriate; and as soon as the sum of ten thousand dollars is subscribed the subscribers to said stock may elect a president and not less than three nor more than seven directors, to manage and transact the business and affairs of said company; at which election each subscriber, either in person or by proxy, may cast one vote for each share subscribed.

Organization.

§ 5. When the said sum of ten thousand dollars shall have been subscribed to the capital stock of said company the said corporators, or a majority of them, shall forthwith give notice, by publication in some newspaper published in the town of DuQuoin, or the next nearest paper to said town, to the subscribers to said stock, to meet at DuQuoin, on a day to be named therein, to organize said company, as provided in section four of this act; and the said president and directors, when elected, and their successors, shall have power to appoint a secretary, treasurer and such other officers and agents as they may deem necessary, and define their powers; and to make such by-laws, rules and regulations as they may deem necessary for the government and management of the business and affairs of said company and its officers and agents, not inconsistent with the constitution of this state and of the United States: *Provided*, that an election shall be held, annually, for president and directors of said company, at the office of said company, upon



such notice as the president and directors may prescribe: *And, provided, further,* that the office of said company shall be within or near the town of DuQuoin, in the county of Perry.

§ 6. The president and directors shall issue certificates of stock to the owners thereof, whenever the same shall be paid for; which certificate shall be signed by the president and countersigned by the secretary and registered in a book, to be kept for that purpose. Said certificates, when issued, shall be transferable and assignable in such manner as the president and directors shall, by their by-laws, prescribe.

Certificates of  
stock.

§ 7. It shall be lawful for the president and directors to borrow or obtain on loan any sums of money, not exceeding the amounts of stock actually paid in, on such terms and conditions as they may deem expedient and for the interest of said company, and to issue bonds for the same, secured by mortgage on the real or personal estate of said company or otherwise.

§ 8. It shall be lawful for the president and directors to require payment of the sums subscribed to the capital stock at such times, in such proportions and on such conditions as they shall deem fit, under the penalty of the forfeiture of all previous payments thereon; and shall give notice of the payments thus required and of the place and time when and where the same are to be paid and the amount required, at least sixty days previous to the payment of the same, in some public newspaper published in the town of DuQuoin, or, in case no paper is published in said town, then in the next nearest newspaper; and if any person who shall have subscribed stock in said company shall fail to meet any such call, within the time prescribed by said president and directors, he, she or they shall not be entitled to vote for president and directors at any annual election, unless otherwise ordered by the president and directors of said company.

Payments of sub-  
scription.

§ 9. This act shall be and the same is hereby declared to be a public act; and the same shall take effect and be in force from and after its passage.

APPROVED February 20, 1861.

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AN ACT to amend an act entitled "An act to incorporate the Eagle Coal Company," approved February 14th, 1857. In force February 22, 1861.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That said company are hereby authorized and empowered to increase their capital stock to any amount, not exceeding five hun-

dred thousand dollars, and the number of their directors to any number, not exceeding seven.

Construction of  
railroads.

§ 2. It shall be lawful for said company to construct and operate railroads, from their mines, to connect with other contiguous railroads, under and subject to the powers granted by the act to which this is an amendment, for the purpose of constructing a railroad from their mines to the Illinois Central railroad: *Provided*, none of said railroads, hereby authorized to be constructed, shall exceed fifteen miles in length.

§ 3. The fourth section of the act to which this is an amendment is hereby repealed.

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

APPROVED February 22, 1861.

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In force February 22, 1861. AN ACT to amend an act entitled "An act to incorporate the Eureka Coal Company," approved February 16th, 1857.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That said company are authorized and empowered to erect and operate such machinery as may be necessary for the manufacture of coal oil, iron or any other article of which the product of their mines form a component part.

Construction of  
railroads.

§ 2. Said company is hereby authorized and empowered to construct one or more railroads, to connect their property with any railroad constructed or that may be hereafter constructed; and all powers and privileges conferred upon the Eagle coal company are hereby conferred upon the said Eureka coal company.

§ 3. All the powers and privileges conferred on said company, heretofore limited to the county of Livingston, are hereby extended to the county of LaSalle.

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

APPROVED February 22, 1861.

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In force February 20, 1861. AN ACT to define the powers of the Illinois Central Iron and Coal Mining Company.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That all the rights, powers and liabilities of the Illinois Central Iron and Coal Mining Company, heretofore incorporated under the general laws of this state, shall be such as are prescribed

by the act entitled "An act to authorize the formation of corporate companies for the purpose of mining and transportation, by a general law," approved June 22d, 1852; and all the business affairs and management of said company shall be conducted under and conform to the above entitled act, anything in the articles of association of said company to the contrary notwithstanding.

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

APPROVED February 20, 1861.

AN ACT to amend an act entitled "An act to incorporate the Mount Carbon Coal Company," approved January 24th, 1835, and the several acts supplementary thereto, approved February 26th, 1841, February 1st, 1851, February 10th, 1853, and January 19th, 1857, and for other purposes. In force February 6, 1861.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the said Mount Carbon coal company shall hereafter be known and recognized, in all courts of law and equity, within the state of Illinois, as "The Mount Carbon Coal and Railroad Company," with perpetual succession; that all the corporate rights, privileges and franchises heretofore granted to the said Mount Carbon coal company, in the several acts heretofore recited, are hereby granted, transferred and reserved to the said Mount Carbon coal and railroad company, as though the same were herein fully described and set forth, and the same are hereby declared to be in full force and effect; and all causes, if any exist, of forfeiture are waived. Corporate name.

§ 2. That the capital stock of said company shall remain at one million of dollars, divisible into forty thousand shares, of twenty-five dollars each, on the terms and under the conditions and provisions contained in the original act of incorporation of said company. Capital stock.

§ 3. That so much of the provisions of the act entitled "An act declaring Big Muddy river a navigable stream," approved February 28th, 1839, as applies between the point where said river crosses the east line of section twenty-two, of township nine south, in range three west of the third principal meridian, to its source, is hereby repealed and declared null and void. Big Muddy river.

§ 4. That this act shall be deemed and taken as a public act, and shall take effect and be in force from and after its passage: *Provided*, that said company shall comply with the restrictions set forth in the original act of incorporation and the several acts supplementary thereto.

APPROVED February 6, 1861.



In force February  
21, 1861.

AN ACT incorporating the Northwest Illinois Coal Company.

Name.

Amount of real  
estate

Capital stock.

Construction of  
a railroad.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That William Bailey, Elisha P. Reynolds, Felix R. Brunot, George H. McIlvaine, Samuel Hopper, Joshua Harper, and Charles M. Osborn, their associates and successors, be and are hereby constituted a body politic and corporate, under the name and style of "The Northwest Illinois Coal Company," with perpetual succession; with power to contract and be contracted with; by that name to sue and be sued; to have a common seal, and to alter, renew and amend the same at pleasure; to take and hold, by purchase, land in the counties of Henry and Rock Island, for the purpose of mining, coking, transporting and selling mineral, and for the mining of iron ore, and the manufacture, transportation and sale of iron: *Provided, however,* that the land so held shall not at any time exceed five thousand acres, and the east half of section twenty-two (22,) in township No. (17) seventeen north, of range one (1) east of the fourth principal meridian, and lying in the county of Henry, shall constitute a part thereof; and, moreover, to appoint all necessary agents and officers, and to make such by-laws and regulations, for the more thorough organization of said company and the prosecution of its business, within the meaning of this act: *Provided,* said by-laws and regulations are not inconsistent with the laws of this state or of the United States; and, moreover, with power to hold such personal property, and, to possess and erect such roads, railroads, buildings, stacks and machinery, as may be necessary for the mining, coking, transporting, manufacturing and selling, in pursuance of the powers given in this act.

§ 2. The capital stock of this company shall be two hundred thousand dollars, divided into shares of fifty dollars each; with power, by vote of the stockholders, at a meeting duly called, to increase the said capital stock to the sum of five hundred thousand dollars.

§ 3. The said company shall have authority to construct a railroad, from the east half of section number twenty-two, (22,) in township number seventeen (17) north, of range number one (1) east of the 4th principal meridian, or any part thereof, or from any part of any lands they may hereafter purchase, under authority of this act, to the Mississippi river, or to connect with any other railroad, in Henry or Rock Island county: *Provided,* that said railroad, with which this company shall connect, shall not, in its rates or charges, or by the allowance of any discounts, drawbacks or commissions to any other individual or company or in any way whatever, discriminate against the business of the company hereby chartered.

§ 4. The right of way for said road or roads, to be constructed under the provisions of this act, as also for depots, landings, &c., may be obtained and held by said company, either by purchase, gift or grant, or in the mode prescribed for the road with which it may connect, or in the mode prescribed by an act entitled "An act to amend the laws condemning the right of way for purposes of internal improvement," approved June 22nd, 1852, as said company may elect. Right of way.

§ 5. The affairs of said company shall be managed by a president and board of directors and such other officers as they may appoint. The president shall be chosen by the board of directors, from their own number. The board of directors shall consist of not less than three nor more than seven persons, who shall be elected, annually, by the stockholders, at such time and place as the by-laws of said company may prescribe. In each election by the stockholders of said company each share of stock shall be entitled to one vote, and the persons having the largest number of votes shall be declared duly elected: *Provided*, if, from any cause, the stockholders shall fail to elect then the retiring board shall continue to act until the new election is made. Officers.

§ 6. Said company is hereby authorized, from time to time, to borrow money, to an amount not to exceed the capital stock actually paid in; and, for that purpose, may issue bonds, bearing interest at a rate not to exceed ten per cent. per annum; and, to secure the same, may execute one or more mortgages upon all or any part of the property of said company; which said mortgages, being duly acknowledged and recorded in the county or counties in which the property may lie, shall be valid and effectual liens upon the property of said company, to the extent and for the purposes for which they are executed. Borrowing of money.

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

APPROVED February 21, 1861.

AN ACT to incorporate the Sparland Mill and Coal Company.

In force January 22, 1861.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That Egbert R. Hurlbut, James Y. Callen, Joseph Sargent, Lyman P. Bates, William Atwood, S. C. Cotton and G. L. Fort, and their associates, successors and assigns, are hereby created and constituted a body politic and corporate, under and by the name and style of "The Sparland Mill and Coal Company;" and by that name and style shall act, be known and Name.

exist, for one hundred years from the organization thereof, and, as such, shall contract and be contracted with, sue and be sued, plead and be impleaded, defend and be defended, in any and all courts and other places, as fully and in the same manner as a private person could or might do.

Books for sub-  
scription.

§ 2. Said corporators, or a majority of them, shall, within one year, cause books to be opened for the subscription to the capital stock of said company, which shall be fifty thousand dollars, to be divided into shares of fifty dollars each; and, as soon as one hundred shares shall have been subscribed, said corporators, or a majority of them, shall give ten days' notice to said stockholders, by one written notice, posted at the post office in the town of Sparland, and, in pursuance thereof, hold an election, by the stock subscribers, (each share being entitled to one vote,) for five directors of said company, to hold their office for one year and until their successors are elected. Said directors shall meet within one month after their election and organize, by electing one of their number president, and, thereafter, elect and provide for the annual election of all the officers of said company, by ballot; and no person, except a stockholder, shall be eligible to any office in said company.

Officers.

Record books.

§ 3. Said company shall keep a record of its proceedings, and also books of the business of the company, which shall, at all business hours, be subject to the examination of any stockholder; and said company may adopt and use a corporate seal, and alter the same at pleasure, by filing an impression thereof with the clerk of the circuit court of Marshall county. And said company shall do their business and keep their office at or near the village of Sparland, in said county.

§ 4. As soon as ten per cent. of the subscribed stock shall have been paid in said president and directors, any three of whom shall constitute a quorum, for any purpose, may commence the prosecution of any business authorized by this act.

Property.

§ 5. Said company shall have power to acquire, purchase and hold, personal property, live stock, bonds and stocks, and to sell and dispose of the same, at pleasure; and shall, also, have power to acquire, purchase and hold real estate necessary to fully carry into effect the purposes of this act, not exceeding forty acres at any one time, which may consist of separate lots, parcels or amounts, and shall have power to sell and dispose of the same, at pleasure.

Erection of build-  
ings.

§ 6. Said company shall have power to select sites and to build and erect suitable mill buildings, and to sink and drive shafts and mine for coal, and to carry on either the milling and mining business, or both, and to transport the products of the same; and shall have power to do, and procure to be done, all such other acts and things as may be



necessary and proper to prosecute and carry on the milling and mining business or either of them.

§ 7. Said president and directors shall have power to By-laws. adopt such by-laws, rules and regulations as they may deem proper, for the better prosecuting the business of the company, which may not be inconsistent with this act, the laws of this state or the laws of the United States.

§ 8. The affairs and business of said company shall be managed and controlled by said president and directors, who shall elect or appoint all subordinate officers, attorneys, agents and clerks, who may be authorized to act for and in the name of the company.

§ 9. Said company shall have power to lay out and construct such wagon or cartways or railway switches or tracks as may be convenient for the transportation of the products of their business, not interfering with private property, but may run along, on or cross any public road or street; and, wherever the same may be done, said company shall widen, grade and keep such public road or street in repair, if necessary for the public convenience. Wagon roads and railroads.

§ 10. Said president and directors shall have power to call in and compel the payment of stock subscribed, at such time and in whatever manner they choose, by suit or by sale of the subscriber's stock at auction, or otherwise, as they see fit, being required to assess and call in upon all stockholders equally. And the capital stock in said company shall be deemed personal property, and, when shares are paid up, may be assigned according to the by-laws of the company. Payment of subscription.

§ 11. Said president and directors shall require the secretary and treasurer, and may require any of the other officers or the agents or clerks, to give bonds to the company, with sufficient security, in such penal sum as may be fixed in the by-laws, for money that may go into their hands and for the performance of their duty. Official Bonds.

§ 12. This act shall be deemed a public act, and read in evidence in all courts, without further proof.

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

APPROVED February 22, 1861.

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AN ACT to restore Joseph Andrew Dunlap to citizenship.

In force February 18, 1861.

WHEREAS Joseph Dunlap, of Effingham county, state of Illinois, was convicted of petit larceny, at the September term of the Effingham circuit court, for the year 1857, thereby depriving him of the rights of a citizen; and the said Joseph Andrew Dunlap, having conducted himself

as a worthy, honorable citizen, ever since said conviction; therefore,

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That Joseph Andrew Dunlap, of Effingham county, state of Illinois, be restored to all the rights of a citizen, as fully as if said conviction had never taken place.

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

APPROVED February 18, 1861.

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In force February 7, 1861. AN ACT to change the name of John Johnson Erwin to that of John Johnson Mitchell.

WHEREAS John Johnson Erwin, of McLean county, who has heretofore resided with his step father, Isaac Mitchell, of said county, and has always borne the name of John Johnson Mitchell, supposing it to be his real name, and under said name of John Johnson Mitchell has been elected and has acted as constable of McLean county, and has acted in other official capacities under the name of Mitchell; and whereas the said John Johnson Erwin is in a few days to take to himself a wife, (an act greatly to be commended by this general assembly,) and desires that himself and his future wife and children may bear the name of Mitchell; therefore,

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the name of John Johnson Erwin, of McLean county, who has heretofore resided with Isaac Mitchell, of said county, be and the same is hereby changed to John Johnson Mitchell; and by the said name of John Johnson Mitchell he shall hereafter be known and called.

§ 2. All acts, deeds and contracts, of every description, which the said John Johnson Erwin has heretofore performed or entered into, either as an officer or as an individual, under the name of John Johnson Mitchell, shall be binding upon the said Erwin and all other parties in interest, in the same manner as if his name had been John Johnson Mitchell.

§ 3. That the said John Johnson Mitchell shall be and is hereby made and constituted a legal heir of said Isaac Mitchell, with full power and authority to take, hold and enjoy and transmit any and all property that shall or may descend to him from Isaac Mitchell, in the same manner as if he had been a natural born child of said Isaac Mitchell.

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

APPROVED February 7, 1861.

Acts of the said  
Erwin prior to  
change of name.

## AN ACT to incorporate the Northwestern Express Company.

In force February  
22, 1861.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That George C. Bestor, William C. Boilvin and John J. Weed, of Peoria, Henry R. Clittenden and Benjamin F. Marsh, jr., of Warsaw, E. K. Stone, and James T. Baker, of Quincy, Walter S. Gurnee and Lucius B. Boomer, of Chicago, William H. Mitchell and Jereimiah Job, of Alton, and John Williams and Charles W. Matheny, of Springfield, be and they are hereby created a body politic and corporate, by the name and style of "The Northwestern Express Company;" and by such name they and their successors shall have perpetual succession, and by and in their corporate name shall be capable of contracting and being contracted with, and, in law and in equity, of suing and being sued, pleading and being impleaded, answering and being answered unto, in all courts, in all manner of actions, suits, complaints and cases whatever.

Corporate name  
and powers.

§ 2. The said corporation may have a common seal, alter or break the same at its pleasure, and may make, establish, alter or change any by-laws, rules or regulations, for the government of said corporation, its members or officers, at any time, or the conducting of its business: *Provided*, such by-laws, rules or regulations shall not be repugnant to the constitutions of the United States or this state or the laws of the United States or this state.

Common seal.

§ 3. The corporation hereby created shall have power to receive and transport and convey, at and from any [point] in the state of Illinois or any other state, any goods, wares, merchandise, personal property or effects, of any description whatever, and to collect and receive charges and remuneration therefor; and to that intent to do and perform all other and proper acts; to purchase, hold and transfer real estate; to have depots, offices, warehouses or other buildings, yards, docks, and other things and property usual or proper in conducting and carrying on the business of express or freighting companies, in all modes and manners whatever.

Transportation of  
goods, &c.

§ 4. The capital stock of said company shall not be less than ten thousand dollars nor more than five hundred thousand dollars, and shall be divided into shares of one hundred dollars each; and said company may commence acting as such corporation whenever ten thousand dollars are subscribed to its capital stock.

Capital stock.

§ 5. The officers of said company shall be a board of directors of five, a president, selected from said board, a secretary and treasurer, also to be elected by said board. The said directors shall be chosen by the stockholders, and shall continue in office until their successors are elected by the stockholders.

Officers.



Borrowing of money.

Liabilities.

§ 6. The said company shall have power to borrow money and mortgage or pledge its corporate property for the payment of the same. And the members of said corporation shall be liable, in all cases, to all the creditors of or persons having legal demands against said corporation to the amount of stock subscribed by them respectively.

§ 7. This act shall be deemed a public act, and received as such in all courts, and as such adjudged as notice of its contents to all persons, and shall take effect and be in force from and after its passage.

APPROVED February 22, 1861.

In force February 22, 1861.

AN ACT to incorporate the Farmers' Steam Wagon Road Company of Vermilion County, State of Illinois.

Corporate name and powers.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That James S. McClelland, Isaac Fisher, Lyons Parker, Halsted Conover, William Gray and Silas Dickson, be and they are hereby created a body politic and corporate, by the name and style of "The Farmers' Steam Wagon Road Company;" and by such name they and their successors shall have perpetual succession; and by their corporate name shall be capable of contracting and being contracted with, and, in law and equity, of suing and being sued, pleading and being impleaded, answering and being answered unto, in all courts, and in all manner of actions, suits, and complaints and cases whatsoever.

Location of road.

§ 2. The said corporation may have a common seal, alter or change the same at its pleasure; and may make, establish, alter or change any by-laws, rules or regulations of the government of the said corporation, its members or officers, at any time: *Provided*, such by-laws, rules and regulations be in accordance with the constitution and laws of the United States and of the state of Illinois.

§ 3. This corporation shall have power to build, maintain and use a steam wagon road, from the town of Homer, in the county of Champaign, the towns of Salina and Catlin, in the county of Vermilion, or from either of them to the town of Dallas, Chillicothe, or any point not more than sixteen miles south of the Great Western railroad.

Capital stock.

§ 4. The capital stock of said company shall not be less than ten thousand dollars nor more than one hundred and fifty thousand dollars, and shall be divided into shares of fifty dollars each; and the persons named in the first section of this act, or a majority of them, are hereby appointed commissioners to open or cause to be opened subscription

books for the stock of said company, at such times and places as they may think proper, or appoint agents to open said subscription books, and receive such subscriptions; and the said commissioners or their agents, shall require of each subscriber to pay five dollars or execute a note therefor, as they may determine, on each share subscribed; and the same company may commence acting as such corporation whenever ten thousand dollars are subscribed as its capital stock.

§ 5. Said company shall have power to borrow money and pledge or mortgage its property and franchises; to condemn, according to law, lands necessary for the track of said road, and for sites for depots, engine houses, water stations, side tracks, and all other buildings necessary for the convenience and accommodation of said road; and shall have power to receive, as stock in said company, lands or other property, and shall have full power to sell or convey the same when not required for the use of said road. Borrowing of money.

§ 6. If any person shall willfully, or maliciously, or wantonly, contrary to law, obstruct the passage of any car on said road, or any part thereof, or shall willfully break or damage or destroy any part of said road, or shall cut or injure said road, by driving teams, cattle, or horses, upon said road, or shall injure, in any manner, said road or the implements, or buildings, he, or she or they, or any person assisting, shall forfeit and pay to said company, for every such offense, treble the amount of damage that shall be proven before any competent court to have been sustained; and such offender or offenders shall be deemed guilty of a misdemeanor, and shall be liable to an indictment in the same manner as other indictments are found in the county where such offense shall have been committed; and, upon conviction, every such offender or offenders shall be liable to a fine not exceeding one thousand dollars, for the use of the county where such indictment may be found. Obstructing or injuring the road.

§ 7. The officers of said company shall be a board of directors, of five; a president selected from said board by said board; and a secretary and a treasurer, elected by said board. The said directors shall be chosen by the stockholders of said company, each share of stock being entitled to one vote; and said directors shall continue in office until their successors are chosen by the stockholders. Officers of the company.

§ 8. This act shall be a public act, and shall be received as such in all courts, and as such adjudged as notice of its contents to all persons.

APPROVED February 22, 1861.

In force February  
19, 1861.

AN ACT to incorporate the Farmers' Savings Association.

Corporate name.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That Edwin Littlefield, John A. Warren, Albert M. Pool, David R. Bearley, George Scott, 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 Farmers' Savings Association," and shall have succession, a common seal, with power to plead and be impleaded, to appoint all necessary servants and assistants, and may have, enjoy and exercise all the powers necessary to carry out and execute the purposes and intent of a savings association.

Capital stock.

§ 2. The capital of the said company shall be one hundred thousand dollars, with liberty to increase the same to two hundred and fifty thousand dollars, to be subscribed and paid for in the manner hereinafter provided, 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 the said company, in such manner as its by-laws may prescribe.

Borrowing of money.

§ 3. The said company shall have power to borrow money, and receive money on deposit and pay interest thereon, and to 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 usage; and in computation of time thirty days shall be a month and twelve months a year,) taking such security therefor, either real or personal, as the trustees or managers of said corporation may deem sufficient; may buy and sell exchange, bills, notes, bonds or other securities; may have and hold coin or bullion; 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 and direction of any court or tribunal or other legally constituted authority of the state of Illinois; may make such special regulations, in reference to trust funds, deposits or savings left for accumulation or safe keeping, as shall best aid the said depositors or parties interested, by accumulating or increasing the same, allowing and receiving such interest therefor, not greater than that hereinbefore specified, as may be agreed on; 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.

Business of the association.

Purchase and of possession real estate.

§ 4. 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 and debts due or to become due to the



said company; to purchase real estate, at any sale made in virtue of any loan, debt or mortgage made to or held by the said company; and to receive and take, in satisfaction of any such loan or debts, any real estate and to hold or convey the same.

§ 5. The affairs of this company shall be managed by a board of trustees of at least five, who shall be stockholders in the company to the extent of at least two thousand dollars each. Such election shall take place by the stockholders, when twenty thousand dollars shall have been subscribed, and five per cent. paid thereon. Any three of the corporators herein named shall be commissioners to open books for subscription, which shall be done within ninety days from and after the passage of this act. The money so received by the commissioners shall be paid over to the trustees, when elected. The trustees shall elect a president from their own body, annually; make and execute such by-laws as may be convenient and necessary for the proper prosecution of the business of the company, not inconsistent with this act, or with the laws of this state or the United States; but no by-laws of this corporation shall be passed without the consent of a majority of the trustees. And all the acts of the duly appointed officers and agents of this company, done and performed under authority of the by-laws, shall be binding on the company.

Books for subscription.

§ 6. The election for trustees 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 trustees shall be by ballot, and the name and number of shares voted by each stockholder voting shall be inscribed 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 on the books of the company, and he may vote in person or by proxy. Any omission or failure to elect trustees shall not impair, in any wise, the rights of stockholders, depositors, or others interested.

Election of trustees.

§ 7. Within sixty days after the election of the first board of trustees, as provided for in section five of this act, the board of trustees shall call in an additional sum of fifteen dollars per share on each share of said stock, to be paid at such time and place as the trustees shall appoint, on due notice to said subscribers. The shares of every stockholder omitting to make such payment shall be forfeited, together with all previous payments made thereon. After the payment of five dollars per share on the amount subscribed, as prescribed in the foregoing section, the said company shall be considered fully organized; and after the further payment of fifteen dollars per share on the whole number of one thousand shares of capital stock of this company, mak-

Additional call on the shares.

ing up the whole amount of twenty thousand dollars, actually paid in, the company may commence its business in the full enjoyment of the privileges of this charter, at such place in the city of Henry as the said board of trustees shall direct.

§ 8. The board of trustees shall have power to call for the payment of the balance due on the subscription to the stock of this company at such times as they may deem proper; and in the event of the nonpayment of the balance due by any stockholder on his stock within sixty days after due notice, it shall be lawful for the trustees, at their option, to enforce such payment or to sell at public auction to the best advantage, the amount of stock standing in the name of said nonpaying stockholders, to any person or persons; and the proceeds of said sale, after deducting expense of sale and amount due on subscription, shall be paid over to said nonpaying stockholder, who shall thereupon cease to be a stockholder in this company; 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 become liable for the payment of all calls then due or hereafter made on said shares of stock.

Dividends.

§ 9. The board of trustees shall have the power to declare dividends on the stock of said company, from time to time and at any time, after the accumulation of profits of said company shall exceed five per cent. on the amount of capital actually paid in: *Provided*, said dividends do not reduce the surplus profits of the company below five 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 her stock until the amount of fifty dollars per share has been paid into the said company.

Increase of capital.

§ 10. At any time after the full payment of the original capital of one hundred thousand dollars into the company, as hereinbefore provided, the board of trustees may increase the capital of the company to the amount limited, or any part thereof, in shares of one hundred dollars each, in such manner as they may deem proper; and said increased stock shall be subject to all the liabilities, immunities and privileges of the original stock, as provided in this act. Stockholders shall have the option of subscribing to such increased stock, *pro rata*, within such time as the trustees may limit, of which due notice is to be given.

Form of existence.

§ 11. This corporation shall exist for the full term of fifty years, succeeding the first day of March, 1861, A. D., 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 and none other.

§ 12. That any real estate, acquired in fee by this corporation, and not held in trust or as security, other than what shall be necessary for the convenient use of the same

for the transaction of its business, shall not be held by the said corporation longer than five years, and shall, within that time, be sold and conveyed, either at public or private sale, so as to divest the said corporation of the title to and fee in the same.

§ 13. Each shareholder in said corporation shall be personally liable, to the extent of his stock, for all debts, express or implied, of said corporation, created during the time he was such shareholder, notwithstanding any transfer of the same; for six months after such transfer. Liabilities.

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

APPROVED February 22, 1861.

AN ACT to incorporate the Freeport Savings Institution.

In force February  
22, 1861.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That Hiram Bright, Charles Rosenteil, F. W. S. Brawley, Thomas Coltman, Jonathan Reitzell, John S. Emmert, John H. Adams, O. A. Tisdell and T. Orinsbee, and their successors, are hereby constituted a body corporate and politic, by the name of "The Freeport Savings Institution," to be located in the city of Freeport, Illinois.

§ 2. That said corporation shall be authorized to receive on deposit, from time to time, such sums of money as may be offered by clerks, boatmen, tradesmen, mechanics, laborers, servants, minors, married women, and others, who may wish to enjoy the advantages of the same, and to invest the same in state or United States stocks, bonds and mortgages, or other choses in action, which are amply secured, as soon as practicable; and the income or profits thereof, not exceeding six per cent. per annum, shall be applied and divided among the persons making such deposits, in just proportions, after first paying the necessary expenses of the management of the business of said corporation.

§ 3. This corporation shall pay the amounts deposited, together with the interest thereon, or any part thereof, to the depositors, at the place of business of said corporation, at any time during business hours, on demand: *Provided*, that of the deposits drawing interest, as aforesaid, not more than fifty dollars shall be paid to any one depositor in any one day, unless a written notice of the sum intended to be demanded shall have been given to the cashier of said corporation at least ten days previous to the time when such payment is desired.

§ 4. The business of said corporation shall be managed by a board of trustees, to consist of not less than five nor



more than thirteen persons, who shall, at their first meeting, and as often as practicable thereafter, elect, by ballot, from their number, a president, vice president and cashier. The persons named in the first section of this act shall be the first trustees; and all vacancies in said board shall be filled at the next regular meeting thereof, after such vacancy shall occur; and the person receiving a majority of the votes of the trustees present shall be declared duly elected. A majority of the trustees, of whom the president, vice president or cashier shall be one, shall constitute a quorum for the transaction of business.

§ 5. The said corporation may have and use a common seal, which they may change at pleasure; and all deeds, conveyances and agreements made by their president, cashier or other person, by their authority, shall be good and valid; and said corporation shall have power to sue and be sued, plead and be impleaded, defend and be ruled to answer, by the corporate name.

§ 6. It shall be lawful for this corporation to take, on investment of moneys, under this act, a rate of interest not exceeding ten per cent. per annum, as may be directed by the board of trustees.

§ 7. No trustee or officer of said corporation shall, directly or indirectly, borrow any of the moneys of said corporation, or in any manner use the the same, except in the lawful business of the corporation. All evidences of deposit shall be as binding upon this corporation, if made by the proper officer, as though under the seal thereof. Said corporation is hereby prohibited from issuing bills or notes, to circulate as money.

§ 8. A misnomer of said corporation in any instrument of writing whatsoever shall not vitiate the same, if the corporation is sufficiently described therein to declare the intention of the parties.

§ 9. Said board of trustees shall have power to make such by-laws as may be deemed necessary in the management of the affairs of said corporation and as are not inconsistent with any laws of this state or of the United States; and shall hold regular meetings, for the transaction of business. No trustee, as such, shall be entitled to any pecuniary compensation, for his services.

§ 10. No interest shall be allowed to any depositor until his deposit shall have reached three dollars and remained in said corporation three months thereafter; and no interest to be allowed for any fraction of a month; and every additional sum, amounting to two dollars or more, to bear interest in the same manner. Deposits made by minors and married women may be repaid to them, and their receipts shall discharge said corporation from the sums so repaid.

§ 11. The books of said corporation shall, at all times, during the hours of business, be open to the inspection and

examination of the auditor of public accounts in this state and such other persons as the legislature shall designate. Said corporation shall make an annual report of the condition of its affairs, the amount of deposits, and how the same or any part thereof has been invested, to the auditor of public accounts or to the legislature.

§ 12. Said corporation is hereby authorized to take, hold and convey such real estate as may be necessary or convenient for the transaction of its business, and such as may be conveyed to said corporation as security or in payment of debts, or purchased by it at sales under judgments or decrees recovered or by belonging to said corporation, and such personal property as necessary or convenient for the transaction of business.

§ 13. It shall be lawful for said corporation to make temporary deposits in any incorporated bank in Chicago, New York, or other place, where it is for the interest of said corporation so to do, and to receive interest thereon, at such rates, not exceeding that allowed by law, as may be agreed upon.

§ 14. Said corporation is hereby authorized to accumulate, gradually, and hold invested a surplus fund, not exceeding twenty-five thousand dollars, to the end that in case of depreciation of any securities held by said corporation, any loss to the depositors may thereby be prevented and made good by said fund; and it is hereby authorized to hold an available fund, not exceeding one-third of total amount of deposits with said corporation, for the payment of demands against corporation, which may be kept in such available form as the trustees may direct.

§ 15. The accumulated fund, herein provided for, and the real and personal property belonging to said corporation, shall be liable to taxation as other real and personal estate; but said corporation shall not be liable to taxation on deposits made therein or on any security taken for or in any investment of the same.

§ 16. The subordinate officers of said corporation shall, respectively, give such security for their fidelity and good conduct as the board of trustees may, from time to time, require; and said board shall fix the salaries of such officers.

§ 17. All sums of money, together with the accumulated interest thereon, remaining uncalled for for the space of five years, shall become forfeited, and the same shall be paid over for the use of the public schools in Stephenson county: *Provided*, such sums of money, so remaining uncalled for, shall first be advertised in a paper published in the city of Freeport for six successive weeks previous to the expiration of said five years, and the expense thereof deducted from the amount.

§ 18. The first meeting of the board of trustees of said corporation shall be held on the first Monday of April, A. D.

1861, in the city of Freeport, after having given public notice of the same.

§ 19. This act to take effect from and after its passage, and be liberally construed, for the purpose therein contained.

APPROVED February 22, 1861.

In force February 20, 1861. AN ACT to establish a Ferry across the Mississippi river at Alton, Madison County, Illinois.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That John Snowden, Henry S. Baker, A. L. Chouteau, and such other persons who may be associated with them, be and they are hereby authorized and empowered to maintain and keep a ferry, for and during the term of thirty years, from the passage of this act, across the Mississippi river, at Alton, Illinois, to some point on the opposite side or bank of said river, in the state of Missouri.

Landing places.

§ 2. The said ferry company, after having selected and located their place of landing on the east bank of the Mississippi river, within the corporate limits of the city of Alton, subject to the control of the common council of said city, relative to the place of landing, shall report the same to the common council of said city of Alton, after which no license shall be granted, during the said term, to any other person or persons or body corporate to keep or own a ferry within two miles above or below said landing.

Rates of ferriage.

§ 3. That the said John Snowden, Henry S. Baker, A. L. Chouteau, and their associates, and their heirs and assigns, shall keep, at all times, a good and sufficient ferry boat, with such other boats as may be necessary for the speedy and safe transportation of passengers, teams, horses, cattle and other animals, as well as goods and effects; and said boat or boats may be propelled either by men, horses or steam power, at the option of said company, and shall charge and receive such rates of ferriage as may be allowed by the common council of the said city of Alton.

Taxation:

§ 4. That the said John Snowden, Henry S. Baker, A. L. Chouteau, and their associates, shall pay into the treasury of the city of Alton such amount of taxes as may be imposed upon said ferry, not exceeding ten dollars per annum; and, in the management and regulation of the aforesaid ferry, shall be governed by the act to establish ferries and toll bridges, approved March 3d, A. D. 1845.

Ferry boat.

§ 5. The said John Snowden, Henry S. Baker, A. L. Chouteau, and their assigns, shall be entitled to all the ben-



efits of the forty-second chapter of the Revised Statutes, in regard to ferries; and if the aforesaid ferry company shall fail to have in operation a good and sufficient ferry boat by the first day of November, A. D. 1861, all the privileges conferred upon said ferry company by this act shall be forfeited. And all acts and parts of acts heretofore passed by the legislature of the state of Illinois, relative to establishing a ferry or ferries at Alton, be and the same is hereby repealed.

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

APPROVED February 20, 1861.

AN ACT to charter a Ferry across the Illinois river, at the town of Chillicothe, Peoria county. In force February 20, 1861.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That John H. Batchelder and Ezra Sprague, their heirs and assigns, are hereby authorized to establish and keep a ferry, for the term of twenty years, across the Illinois river, between the town of Chillicothe, in the county of Peoria, and state of Illinois, and the opposite shore of said river; during which time no license shall be granted by the county authorities of Peoria county to any person or persons or body corporate to establish or keep a ferry within one mile of said town, either above or below said town. Form of charter.

§ 2. The said John H. Batchelder and Ezra Sprague shall cause said ferry to be furnished with a good tight boat or boats, sufficient for the safe transportation of all passengers, their teams, stores, cattle or other animals, wagons and the goods, effects, property and etc., of all persons; and said boat or boats shall be provided with men, of suitable strength and skill, to manage the same, or with horses, or with steam, or with suitable and equivalent propelling power, at the option of the said Batchelder and Sprague. Boats and management of.

§ 3. The said John H. Batchelder and Ezra Sprague shall be allowed to run said ferry from the foot of Pine or Walnut streets of said town of Chillicothe or from any land or lot they may own in said town, landing at the end of any road, which is or may be established, opposite said town of Chillicothe, or upon any land, with the consent of the owners thereof, or upon any other road which may be established opposite said town. Landing place.

§ 4. *Be it further enacted,* That the said John H. Batchelder and Ezra Sprague be and are hereby authorized to construct or cause to be constructed a bridge across the east branch of the Illinois river, opposite the town of Chillicothe, for the convenience of all persons wishing to cross said ferry Construction of bridges

at such point or place, as will be most eligible and convenient: *Provided*, the consent of the owner or owners of land affected thereby be first had and obtained: *And, provided, also*, that all persons shall have the right and the privilege of crossing upon said bridge, at all times, without charge or molestation.

§ 5. *Be it further enacted*, that sections five, six, seven, eight, nine, eleven and twelve, of chapter forty-two of the Revised Statutes of eighteen hundred and forty-five, in relation to toll-bridges and ferries, and here referred to, are made a part of this act, so far as said sections are applicable to ferries.

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

APPROVED February 20, 1861.

In force February 7, 1861. AN ACT to amend an act entitled "An act to establish a Ferry therein named," approved February 13th, 1857.

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 establish a ferry therein named," approved February 13th, 1857, be amended, by striking out the name of Charles Summers, wherever it occurs in said act, and inserting in lieu thereof the name of Edgar Summers, and by striking out the words "one mile," in the sixteenth line of section third of said act, and inserting in lieu thereof the words "two miles:" *Provided*, such amendment shall not interfere with any vested right or franchise.

§ 2. Said Edgar Summers shall succeed to all the rights, privileges and benefits by the said act conferred upon the said Charles Summers, and shall be subjected, in the enjoyment thereof, to the same restrictions and regulations as therein imposed upon the said Charles Summers.

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

APPROVED February 7, 1861.

In force February 7, 1861. AN ACT to extend an act approved February 12th, 1851, granting certain ferry privileges therein named to Jeremiah Crotty.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That all the rights, privileges and immunities granted to Jeremiah Crot-

ty to keep a ferry across the Illinois river, on section twenty-five (25) or twenty-six, (26,) in township thirty-three, (33,) range five (5) east of the third principal meridian, in LaSalle county, approved February 12th, A. D. 1851, be and they are hereby extended for the term of ten years from and after the passage of this act.

APPROVED February 8, 1861.

AN ACT to legalize the proceedings of the County Commissioners' Courts of the counties of Fulton and Mason, in relation to a ferry franchise at Havana. In force February 22, 1861.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That all license that may have been heretofore issued by either of the said counties of Mason and Fulton to the heirs of O. M. Ross or to Lewis W. Ross, George M. Walker, to keep a ferry across the Illinois, at Havana, be and the same are hereby legalized, and to have the same force and effect as though the same had been enacted by the legislature of this state at the time of issuing said license; and that all the conveyances from the said heirs of the said O. M. Ross or the said Lewis W. Ross of the said ferry franchise to William Phelps or George V. Walker, to have the same force and effect as was intended by the said grantors, according to the covenants in said conveyances: *Provided*, that the corporate powers of such company shall not extend beyond twenty-five (25) years from the passage of this act.

§ 2. There shall be allowed to the said William Phelps and George V. Walker, their heirs and assigns, to collect the same rates of ferriage as are now allowed by the said counties of Mason and Fulton. Rates of ferriage.

§ 3. The said William Phelps and George V. Walker, or either of them, shall, annually, pay into the county treasury of the said counties such tax or license as shall be fixed by the said counties, not exceeding the sum of fifty dollars, annually, for each of said counties.

§ 4. That the said William Phelps and George V. Walker, or either of them, shall enter into bond, in each of the said counties, to be approved by the clerk of the county court, conditioned to pay all damages that may accrue by reason of noncompliance with this act.

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

APPROVED February 22, 1861.



In force February 22, 1861. AN ACT to grant a ferry franchise across the Illinois river at the town of Havana.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That* William Phelps, of the county of Fulton, and state of Illinois, and George N. Walker, of the county of Mason, and state of Illinois, and their heirs and assigns, be and they are hereby authorized and empowered to have the exclusive right and privilege to keep a ferry across the Illinois river, between the town of Havana, in Mason county, Illinois, and the mouth of Spoon river, in Fulton county, Illinois, for the term and period of twenty-five years, from and after the passage of this grant.

Boats and their management.

§ 2. That the said Phelps and Walker, and their heirs and assigns, shall cause the said ferry to be furnished with good and sufficient boats, worked by men, horses or steam power, so as to furnish a safe and speedy transportation of all teams, wagons, horses, cattle, sheep, hogs, merchandise and other property, which may be brought or come for transportation.

Rates of ferriage.

§ 3. That the said Phelps and Walker shall be and they are hereby authorized to charge the same rates of ferriage as now established and authorized to be charged at said ferry by the counties of Mason and Fulton.

Ferry landing.

§ 4. That the said Phelps and Walker have the exclusive right, for the term aforesaid, to do all ferrying across said river, for the space of one mile above and below the present ferry landing at Havana, and for one mile above and below the mouth of Spoon river, and for that purpose, may land their boat or boats at the public ferry landing or at any public street or road, on either side of the river, or on any land or reservation of land belonging to the said Phelps and Walker, or either of them, within the distance aforesaid.

License.

§ 5. That the said Phelps and Walker, or their heirs or assigns, shall pay to the counties of Mason and Fulton such an annual tax or license as may, from time to time, be fixed by said counties, not to exceed the annual sum of fifty dollars, to each of said counties.

Obstructions to landing.

§ 6. That if any person or persons shall obstruct the said ferry landing, on either side of the river, within the distance aforesaid, by running in or leaving any boat in the way of said ferry, each and every person, so offending, shall be liable to the said Phelps and Walker five dollars, for each offense, together with all such damages as may be sustained by reason of such obstructions.

§ 7. The said Phelps and Walker, or either of them, shall, within six months from the passage of this act, enter into bond, with good and sufficient security, to be approved by the circuit clerk of each of said counties, payable to said

counties, in the penal sum of one thousand dollars, conditioned for the faithful performance of all the duties required by this act, and to pay all damages sustained by the non-performance of the same.

§ 8. The justices of the peace for the counties of Mason and Fulton shall have jurisdiction for all violations of this act, to the amount of one hundred dollars, with the right of appeal, as in other cases.

APPROVED February 22, 1861.

AN ACT to incorporate the Niota Dyke and Ferry Company.

In force February  
20, 1861.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That John H. Knapp, George P. Eaton, William D. Knapp and William Adams, and their associates, successors and assigns, be and they are hereby constituted a body politic and corporate, by the name and style of "The Niota Dyke and Ferry Company;" that by such name and style the said company shall have perpetual succession; may have a common seal, and alter or change the same at pleasure; may receive, by gift, devise or purchase, all the real and personal property, and hold or convey the same, which shall be necessary to the operations and business of said company; that they may sue and be sued, plead and be impleaded, in all courts and places; contract and be contracted with, the same as natural persons; and may make all needful by-laws, rules and regulations for the management of said company, and appoint agents and attorneys for the same.

Corporate name  
and powers.

§ 2. The said company shall be managed by not less than three nor more than five directors, who shall be elected by the stockholders of said company, each share entitling the owner to one vote; and the directors shall elect from their own number a president, and may appoint such other officers as they may deem necessary. The president to hold his office for the term of one year, and until his successor is elected and qualified. The first election of officers to be held at such time and place as the by-laws of said company shall specify.

Directors.

§ 3. The said company are hereby authorized to build a bridge or dyke across the slough between island number fifteen, in the Mississippi river, and the town of Niota, in Hancock county, Illinois; and also to extend said dyke or embankment across said island number fifteen, and into the Mississippi river, to such extent and at such point as they may deem most expedient for the purpose of creating a road and a ferry and steamboat landing, wharf or levee;

Dyke or bridge.

and may use, lease or otherwise dispose of the same, and may construct such other works, buildings and machinery as may be deemed necessary or proper; to use the same, and prosecute the interest and objects of said company: *Provided*, said company shall in no wise obstruct the navigation of the main channel of the Mississippi river.

Capital stock.

§ 4. The capital stock of said company shall be fifty thousand dollars, and may be from time to time increased to any sum not exceeding in all two hundred thousand dollars, to be divided into shares of one hundred dollars each.

Election of directors.

§ 5. The persons named in the first section of this act shall constitute said company until the capital stock is fully subscribed, and twenty-five per cent. thereon paid in, when there shall be an election of officers; and until such election is held, and the officers qualified, the incorporators shall constitute the board of directors provided for in the second section of this act.

§ 6. The capital stock of said company shall be deemed personal property, and be transferable; but no transfer shall be made except on the books of said company, nor until all assessments then called for or made shall be paid.

Construction of roads, streets, &c.

§ 7. The said company may take all necessary steps and action by them deemed expedient in the construction of roads, streets, bridges, bridges across sloughs, dykes, landings, wharves and levees, and otherwise improve their islands, lands and landings now owned, or that may be hereafter acquired or purchased by them—all of which improvements and acquisitions they may enjoy, control and appropriate as they may find proper and expedient for the future management and best interest of the company.

Warsaw and Rockford railroad company.

§ 8. The said company shall have power to unite their improvements and objects with the Warsaw and Rockford railroad company, and shall be competent to take stock in said railroad company, or dispose of their stock to any other company, or consolidate the same, in whole or in part, with said Warsaw and Rockford railroad company.

Ferry privileges.

§ 9. The incorporators named in the first section of this act, being now the owners of the ferry privilege and franchise heretofore granted to James Gray, his heirs and assigns, by an act of the legislature of this state, approved January fifteenth, A.D. eighteen hundred and fifty-three, and now running said ferry, the company hereby incorporated shall have and enjoy all the rights, privileges and immunities granted to the said James Gray, his heirs and assigns, by the said act of January 15th, A.D. 1853, for the balance of said term granted as aforesaid to the said Gray, his heirs and assigns, and for the term of twenty years after the expiration of said term granted to the said Gray by the said act of January 15th, 1853, with the further privilege of landing their ferry at such place or places within the specified privileged limits of the said charter granted to the

Ferry landing.



said Gray, as the said company shall deem expedient for its best interests; and also, shall have the exclusive privilege of running said ferry from Niota aforesaid, and for three miles each way up and down the said Mississippi river, from the said town of Niota, for the term of twenty years, as hereinbefore granted.

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

APPROVED February 20, 1861.

AN ACT to establish a Ferry across the Illinois River at Phillips' Ferry. In force February 22, 1861.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That Abbey P. Stanford, wife of Horace Stanford, Celia May, the only surviving heirs of Ebenezer May, deceased, their heirs and assigns, be and are hereby authorized to establish and keep a ferry across the Illinois river, at any point on fractional section twenty, in township number four south, range number two west of the fourth principal meridian, in the township of Flint, Pike county, Illinois, and any point on the opposite side, in Scott county, within a distance of one half mile north and one half mile south, on the banks of the Illinois river, of the present Phillips' ferry road, during the period of twenty years from the passage of this act.

§ 2. The said Abbey P. Stanford and Celia May shall, at all times, keep good and sufficient boats for the speedy passage and safe transportation of passengers, teams, horses, cattle and other animals, as well as goods and effects belonging to passengers, and shall furnish such boats with men of sufficient skill and strength to manage them, and shall charge and receive such rates of ferriage as are allowed to other ferries on the Illinois river. Possession and management of boats.

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

APPROVED February 22, 1861.

AN ACT to repeal an act entitled "An act to establish a ferry across the Mississippi River in Randolph county," approved February 14, 1855, in favor of William Henry, and to authorize John W. Brewer, of said county, to maintain and keep a ferry under same title. In force February 22, 1861.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That John W. Brewer, his heirs and assigns, be and they are hereby authorized and empowered to maintain and keep a ferry Location of ferry.

across the Mississippi river, for the term of thirty years from the passage of this act, from the most eligible and suitable point on the eastern bank of the Mississippi river, in the county of Randolph, on the fractional township six south and range eight and nine west of the third principal meridian, to the opposite side of the river to where the road leading from the city of St. Genevieve, in the state of Missouri, terminates, at Little Rock landing, on the western bank of the said river, with the privileges to the said John W. Brewer, his heirs and assigns, of landing their boats and other water crafts for the transportation of persons and property across said river, and running the same from any land owned by him or them, in said townships, or which may be acquired by him or them hereafter, or upon any state or county road or public highway on said townships, or which may hereafter be established thereon; and no license shall hereafter be granted to any person or persons or body corporate to keep and run a ferry and land at said point, or within two miles above or below.

Owning and managing of boats.

§ 2. The said John W. Brewer, his heirs or assigns, shall, within a reasonable time after the passage of this act, erect and keep at the said ferry a good and sufficient boat or boats, to be worked by men, horses or steam, as the case may require, for the safe and speedy transportation of passengers, their horses, cattle and other animals, as well as other goods and effects; and said boat shall, at all times, be furnished with men of sufficient strength and skill to manage the same.

Taxes.

§ 3. The said John W. Brewer, his heirs or assigns, shall pay into the treasury of the county of Randolph such amount of taxes as may be imposed upon said ferry by the county court of said county—the said court to be governed in their assessment by the profits realized from said ferry. The said John W. Brewer, his heirs or assigns, shall charge and receive such rates of ferriage as may be allowed by the said county court of Randolph county.

§ 4. This act shall effect the repeal and make null and void an act approved February 14th, 1855, entitled "An act to establish a ferry across the Mississippi, in Randolph county," or any act which may have been heretofore passed, and which may come in contact herewith.

Exclusive rights.

§ 5. The said John W. Brewer, his heirs or assigns, shall be entitled to all the benefits of the forty-second chapter of the Revised Statutes, in regard to ferries and toll bridges; and should any person, persons or body corporate, hereafter licensed, or without license, use and land a ferry at the landing selected by the said John W. Brewer, his heirs or assigns, or within two miles above or below, they shall be subject to and incur the penalties and forfeitures given in said forty-second chapter, which may be recovered

by the said John W. Brewer, his heirs or assigns, as therein provided.

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

APPROVED February 22, 1861.

AN ACT authorizing Selah Robbins to establish a Ferry across the Illinois River, in LaSalle County. In force February 22, 1861.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That Selah Robbins, his heirs and assigns, be and they are hereby authorized to establish and keep a ferry across the Illinois river, on any part of sections sixteen and seventeen, in township thirty-three north, of range two east of the third principal meridian, as the said Robbins may select, for the period of fifteen years.

§ 2. The said Selah Robbins and his heirs and assigns are hereby authorized to charge and receive the following rates of toll for crossing said ferry, viz: For each vehicle, drawn by one or two horses, mules, asses or oxen, forty cents; for each man and horse, twenty cents; for cattle, horses, hogs and sheep, three cents each; for each footman, ten cents: *Provided*, that the above rates of toll may be doubled after nine o'clock in the evening or before daylight in the morning, and in rough and freezing weather: *And, provided, also*, that said Robbins shall not be obliged to run said ferry when the same would be dangerous or unsafe. Rates of ferrlage.

§ 3. Said ferry shall be deemed a public highway, within the meaning of laws providing for the punishment of persons injuring, obstructing or destroying public highways or ferries in any manner. Obstruction or injuries.

§ 4. The said Selah Robbins, his heirs and assigns, shall, in every respect, comply with the provisions of chapter forty-two of Revised Statutes, entitled "Ferries."

§ 5. All laws or parts of laws in conflict with this act are hereby repealed.

§ 6. This act to take effect from and after its passage.

APPROVED February 22, 1861.

AN ACT to establish a Ferry across the Mississippi river, at Savanna, in Carroll County. In force February 8, 1861.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That Enoch Chamberlain, Adam Nase and Frederick Chambers, their



heirs and assigns, be and they are hereby authorized to establish and keep a ferry, for the term of ten years, across the Mississippi river, between Savanna, in the county of Carroll, and state of Illinois, and Sabula, in the county of Jackson, in the state of Iowa; during which term neither the county court nor the board of supervisors of said Carroll county shall grant a license to any other person or persons to establish a ferry within two miles of said town of Savanna.

Boats and men.

§ 2. That said Enoch Chamberlain, Adam Nase and Frederick Chambers, their heirs and assigns, shall, at all times, keep a good and sufficient boat or boats, worked by steam or horse power, for the speedy passage and safe transportation of all passengers, teams, horses, cattle and all other animals, as well as wagons, goods, wares, merchandise and effects, belonging to passengers; and shall furnish said boat or boats, at all times, with men, of sufficient strength and skill, to manage the same; and shall charge and receive such rates of ferriage as shall be annually fixed by the board of supervisors of said Carroll county.

Tax.

§ 3. The said Enoch Chamberlain, Adam Nase and Frederick Chambers, their heirs and assigns, shall pay into the county treasury of said Carroll county such annual tax as may be imposed upon said ferry by the board of supervisors of said county, not exceeding twenty dollars.

Regulations of supervisors.

§ 4. The ferry hereby established shall be subject to and under the supervision of the board of supervisors of said Carroll county, and regulated by the laws regulating ferries and toll bridges, so far as the same are consistent with this act.

§ 5. That if said Enoch Chamberlain, Adam Nase and Frederick Chambers fail to comply with the provisions of this charter all the rights hereby granted shall be forfeited; and the board of supervisors of said Carroll county shall have authority to decide the matter.

§ 6. Should any person, persons, body corporate or politic, establish, keep or run a ferry boat and land within the limits specified in this act, for profit and gain, such person, persons, body corporate or politic, shall forfeit and pay to the said Enoch Chamberlain, Adam Nase and Frederick Chambers, their heirs and assigns, the sum of ten dollars for each and every offense; to be sued for and recovered in an action of debt before any justice of the peace of said county.

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

APPROVED February 8, 1861.

AN ACT to incorporate Engine Company No. One, of the City of Alton. In force February 11, 1861.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That James H. Hibbard, Thomas Dimmock, B. F. Tucker, Robert H. Cliff, John Seaton, William Chapman, George Coupland and N. C. Hathaway, and all other persons who may hereafter become members of said company, and their successors, be and they hereby are incorporated and made a body politic, for the term of twenty years, from the passage of this act, by the name of "Engine Company No. One, of the City of Alton, for the purpose of extinguishment of fires and protection of property," and by that name may sue and be sued, plead and be impleaded, appear, prosecute and defend in any court of record or other place whatever; may have and use a common seal; may purchase and hold such real and personal estate as may be necessary to effect the object of this association, and the same may sell and convey at pleasure: *Provided*, the said real and personal estate shall not exceed the value of five thousand dollars; may make, establish and put into execution such constitution, by-laws and resolutions, not contrary to the laws of this state or of the United States, as may seem necessary and convenient for the regulation and government and for the management of their affairs, and do and execute all such acts and things as may be necessary to carry into full effect the purposes intended by this charter.

Corporate name.

Purchase and possession of property.

§ 2. That all and every person who shall become an active member of said company shall, during the time of such active service, be exempt from road tax and jury duty within the limits of said city of Alton and county of Madison.

Exemptions from road tax, &c.

§ 3. There shall be a meeting of said company in Alton on the first Monday in December, annually, or on such other day as the said company may hereafter determine, for the election of a president, foreman, assistant foreman, hose captain, two directors, secretary and treasurer.

Annual election of officers.

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

APPROVED February 21, 1861.

AN ACT to incorporate the New Peoria Fire Company, Number Four, of the City of Peoria. In force February 18, 1861.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That John Weber, Frank Vonachen, Jacob Riehm, Gottlob Zerwekh,

Corporate name. Jacob Kretz, Lenhard Holder, and their associates and successors, are hereby created a body politic and corporate, by the name, style and title of "The New Peoria Fire Company, Number Four;" and by that name shall have perpetual succession, with full power to sue and be sued, to plead and be impleaded, answer and defend, in law and equity, in all courts of justice whatsoever; to contract and be contracted with; to have, hold and enjoy, by gift, devise, grant, purchase or otherwise, real and personal estate, not to exceed, at any one time, the value of thirty thousand dollars, and again to sell the same or to dispose thereof, at pleasure; to have and use a common seal and to alter the same at pleasure.

§ 2. The object of this company shall be the extinguishment of fires in the city of Peoria.

Constitution and by-laws. § 3. The said company shall have power to make and adopt a constitution and by-laws for the government and maintenance of the said company, as they may from time to time consider fit and proper, not inconsistent with the constitution and laws of this state or the United States, and again to repeal and alter the same; which constitution and by-laws, when made and adopted, shall be binding upon the members of the company, and may be enforced against them, either by suit, in the name of the company, or by forfeiture of the membership, or by both.

Record book. § 4. The constitution and by-laws of the said company shall be entered by an officer of the company in a book kept for that purpose, which said book shall be *prima facie* evidence of the matter therein contained in all courts of justice.

§ 5. The constitution and by-laws of the said company shall not be allowed to conflict with the ordinances of the city of Peoria regulating the fire department of said city.

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

APPROVED February 18, 1861.

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In force February 22, 1861. AN ACT to amend the charter of the City of Waukegan, in relation to the Fire Department.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That the firemen of the city of Waukegan, in Lake county, shall be exempt from poll tax for highway and street labor and from serving as jurors, in all cases where such firemen have served seven years in the fire department.*

§ 2. This act shall apply to all those who have served in the fire department of the former village incorporation of Waukegan.



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

APPROVED February 22, 1861.

AN ACT to incorporate the Aurora Gas Light Company.

In force February  
20, 1861.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That William H. Hankins, Lorenzo D. Brady, William B. Allen, Albert Jenks, Ira A. W. Buck, O. D. Howell, John S. Hanley, William P. Plum, Charles L. Hoyt and Edward D. Huntoon, their successors, associates, heirs and assigns, be and they are hereby created a body corporate and politic, with perpetual succession, by the name and style of "Aurora Gas Light Company;" and by that name they and their successors shall be capable, in law, of contracting and being contracted with, and being sued, defending and being defended, in all courts and places, and in all matters whatsoever; with full power to acquire, hold, occupy and enjoy all such real and personal estate as may be necessary and proper for the construction, extension and usefulness of the works of said company, and for the management and good government of the same; and they may have a common seal, and the same may alter, break and renew at pleasure.

Name and style.

§ 2. The corporation hereby created shall have full power and authority to manufacture and sell gas, coke and tar, made from any or all of the substances from which inflammable gas and coke and tar are usually obtained, and to be used for the purpose of lighting the city of Aurora, or the streets thereof and public places or houses therein contained, and other places in that vicinity, and to erect all necessary works and apparatus, and to lay pipes, for the purpose of conducting the gas, in any of the streets, avenues, public grounds or other places, in the said city or elsewhere: *Provided*, that no permanent injury or damage shall be done to any street, lane or highway of said city. The real estate which this corporation is entitled to hold shall not exceed, in value, one hundred thousand dollars; and it shall be lawful for the said company to sell and convey any real estate it may possess, when not required for its own use.

Corporate duties  
and powers.

§ 3. The capital stock of said company shall not exceed three hundred thousand dollars, to be divided into shares of one hundred dollars each, to be subscribed and paid for in such proportions as shall be prescribed by the by-laws and rules for regulating the concerns and affairs of said company; which by-laws, rules and regulations the said company, by its directors, are hereby empowered to make, and change,

Amount of capital  
stock.

alter and revise at pleasure; and provide for the management and disposition of the stock, property and real estate of said company; the duties of the officers, artificers and agents to be employed; the number and selection of directors; and all such other matters as pertain to the concerns, affairs or necessities of the company. Said company shall have the exclusive right and privilege of supplying the city of Aurora with gas, for the purpose of affording light, for twenty years.

City bonds to be issued.

§ 4. The common council of the city of Aurora are hereby authorized and they may issue to the said Aurora gas light company, as a loan of their credit, bonds, to any amount, not exceeding twenty-five thousand dollars, and not to draw over ten per cent. interest, payable in ten, fifteen and twenty years, from the date of issue, secured upon the revenues of said city of Aurora. Said bonds to be a first lien upon the real estate and fixtures of said Aurora gas light company.

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

APPROVED February 20, 1861.

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In force February 20, 1861.

AN ACT to amend an act entitled "An act to incorporate the Decatur Gas Light and Coke Company," approved February 18th, 1857.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the Decatur gas light and coke company, incorporated by an act entitled "An act to incorporate the Decatur gas light and coke company," approved February 18th, 1857, shall have, in addition to powers recited therein, the power to issue bonds of the company and borrow money thereon, as hereinafter mentioned.

Issuing of bonds.

§ 2. That the said bonds shall be in sums of five hundred dollars each, and shall not exceed, in total amount, the sum of twenty thousand dollars, and that the same shall be payable fifteen years after date, with interest at the rate of seven per cent. per annum, payable semi-annually, in the city of New York.

§ 3. Said bonds nor any part thereof shall issue until the actual improvements of the company for the manufacture of gas shall amount to five thousand dollars in real estate, buildings and fixtures, and then only in proportion of seventy-five cents on the dollar therefor; and that said bonds shall be a full and complete mortgage upon all property, real and personal, of said company, and shall issue in such proportion as the improvements of said company shall be made, until the amount of twenty thousand dollars shall be issued.

§ 4. In addition to the security to said bonds, hereinbefore recited, the stockholders of said company shall also be individually liable for the amount of stock subscribed by said stockholders aforesaid. Individual liability.

§ 5. The said bonds shall be signed by the president and countersigned by the secretary, with the seal of the corporation thereon; and all issues of bonds, agreeably to the provisions of this act, shall be reported, amount, date and to whom made, by the president and secretary, under oath, and be made a matter of record upon the books of the recorder's office in the county of Macon and upon the books of the company as said bonds may be issued.

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

APPROVED February 20, 1861.

AN ACT to incorporate the Elgin Gas Light and Coke Company.

In force February  
21, 1861.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That Andrew J. Waldron, Benjamin F. Lawrence, B. W. Raymond, William G. Hubbard, Henry Sherman, Sylvanus Wilcox, John Hill, Lewis H. Yarwood and Orlando Davidson, their associates, successors, heirs and assigns, be and they are hereby constituted a body corporate and politic, with perpetual succession, by the name and style of "The Elgin Gas Light and Coke Company;" and by that name they and their successors shall be capable of contracting and being contracted with, suing and being sued, defending and being defended, in all courts and places, and in all matters whatsoever, with full powers to acquire, hold, occupy and enjoy all such personal and real estate as may be necessary and proper for the construction, extension and usefulness of the works of said company, and for the management and good government of the same; and they may have a common seal, and the same alter, break, deface and renew at pleasure.

Corporate name  
and powers.

§ 2. The corporation hereby created shall have full power and authority to manufacture and sell gas and coke, to be made from any and all of the substances, or a combination thereof, from which inflammable gas can be obtained, and to be used for the purpose of lighting the city of Elgin or the streets, alleys, buildings, stations, depots, manufacturing establishments and public houses or places therein contained, and to erect all necessary works and apparatus, and to lay pipes, for the purpose of conducting the gas, in any of the streets, alleys and avenues of said city: *Provided*, that no permanent injury or damage shall be done to any such streets, alleys or avenues of said city: *And, provided, also*, that the

Powers and priv-  
ileges.



real estate which this corporation is entitled to hold shall not exceed in value ten thousand dollars, exclusive of the improvements erected thereon.

Directors.

§ 3. The corporation hereby created, when organized, shall be under the direction of five directors, all stockholders in said company, one of whom shall be elected president. The directors shall have power to make by-laws, rules and regulations for conducting the works, the election of directors, and the affairs of the company, as to them may seem necessary, not inconsistent with the constitution or laws of this state or of the United States, and may appoint such officers, agents and employees and prescribe the duties of the same, as they may deem necessary.

Amount of capital stock.

§ 4. The capital stock of the said company shall not exceed the sum of two hundred thousand dollars, to be divided into shares of fifty dollars each, to be subscribed and paid for as may be prescribed by the corporators above named, or their successors or assigns; and the said company shall have the exclusive privilege of supplying the city of Elgin and its inhabitants with gas, for the purpose of affording light, for twenty years.

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

APPROVED February 21, 1861.

In force February 18, 1861.

AN ACT to incorporate the Galesburg Gas Light and Coke Company.

Corporate name and powers.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That George J. Bergen, William E. Dunn, Clark E. Carr, Alonzo M. Swann, and Richard H. Whiting, be and they are hereby created a body corporate and politic, with perpetual succession, by the name and style of "Galesburg Gas Light and Coke Company;" and by that name they and their successors shall be capable, in law, of contracting and being contracted with, suing and being sued, defending and being defended, in all courts and places and in all matters whatsoever, with full power to acquire, hold, occupy and enjoy all such real and personal estate as may be necessary and proper for the construction, extension and usefulness of the works of said company, and for the management and good government of the same; and they may have a common seal, and the same may alter, break and renew at pleasure.*

§ 2. The corporation hereby created shall have full power and authority to manufacture and sell gas, to be made from any or all of the substances, or a combination thereof, from which inflammable gas is usually obtained,

and to be used for the purpose of lighting the city of Galesburg or the streets thereof, and any buildings, manufactories, colleges, academies, churches and public places or houses therein contained; and to erect all necessary works and apparatus, and to lay pipes, for the purpose of conducting the gas, in any of the streets or avenues of said city: *Provided*, that no permanent injury or damage shall be done to any street, lane or highway of said city. The real estate which this corporation is entitled to hold shall not exceed, in value, seventy-five thousand dollars.

§ 3. The capital stock of said company shall not exceed three hundred thousand dollars, to be divided into shares of fifty dollars, to be subscribed and paid for in such proportions as shall be prescribed by the by-laws and rules for regulating the concerns of said company, as they shall think proper and necessary, respecting the management and disposition of the stock, property and estate of said company; the duties of the officers, artificers and agents, to be employed; the number and selection of directors; and all such matters as appertain to the concerns of said company. Said company shall have the exclusive privilege of supplying the city of Galesburg and its inhabitants with gas, for the purpose of affording light, for twenty-five years.

Amount of capital stock.

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

APPROVED February 18, 1861.

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AN ACT to incorporate the Peru and La Salle Gas Light and Coke Company. In force February 12, 1861.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That Theron D. Brewster, Churchill Coffing, Orville N. Adams, David L. Hough and Bronson Murray, their associates, successors, heirs and assigns, be and they are hereby created a body corporate and politic, with perpetual succession, by the name and style of "The Peru and La Salle Gas Light and Coke Company;" and by that name they and their successors shall be capable of contracting and being contracted with, suing and being sued, defending and being defended, in all courts and places and in all matters whatsoever, with full powers to acquire, hold, occupy and enjoy all such personal and real estate as may be necessary and proper for the construction, extension and usefulness of the works of said company and for the management and good government of the same; and they may have a common seal, and the same alter, break, deface and renew at pleasure.

Corporate name and powers.

§ 2. The corporation hereby created shall have full power and authority to manufacture and sell gas and coke, to be

Manufacture and sale of gas.

made from any and all of the substances, or a combination thereof, from which inflammable gas can be obtained, and to be used for the purpose of lighting the cities of Peru and La Salle or the streets, alleys, levees, embankments, buildings, stations, depots, manufacturing establishments and public houses, or other places therein contained, and to erect all necessary works and apparatus, and to lay pipes, for the purpose of conducting the gas, in any of the streets, alleys, levees, embankments and avenues of said cities: *Provided*, that no permanent injury or damage shall be done to any such streets, alleys, embankments or avenues of said cities: *And, provided, also*, that the real estate which this corporation is entitled to hold shall not exceed in value ten thousand dollars, exclusive of the improvements erected thereon.

§ 3. The corporation hereby created, when organized, shall be under the direction of five directors, all stockholders in said company, one of whom shall be elected president. The directors shall have power to make by-laws, rules and regulations for conducting the works, the election of directors, and the affairs of the company, as to them may seem necessary, not inconsistent with the constitution or laws of this state or of the United States; and may appoint such officers, agents and employees, and prescribe the duties of the same, as they may deem necessary.

§ 4. The capital stock of said company shall not exceed the sum of two hundred thousand dollars, to be divided into shares of fifty dollars each; to be subscribed and paid for as may be prescribed by the corporators above named or their successors or assigns. And the said company shall have the exclusive privilege of supplying the cities of Peru and La Salle and their inhabitants with gas, for the purpose of affording light, for the term of twenty years.

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

APPROVED February 18, 1861.

In force February  
18, 1861.

AN ACT to incorporate the Pekin Gas Light Company.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That David Mark, Peter Weyhrich, Joshua Wagenseller, Thomas N. Gill, Benjamin S. Prettyman, James Haynes, Sabin D. Peterbaugh, John Lucas, James Harriott, Ties Smith, Henry P. Westerman, and William A. Tinny, their successors, associates, heirs and assigns, be and they are hereby created a body corporate and politic, with perpetual succession, by the



name and style of "The Pekin Gas Light Company;" and by that name they and their successors shall be capable, in law, of contracting and being contracted with, suing and being sued, defending and being defended, in all courts and places, and in all matters whatsoever, with full powers to acquire, hold, occupy and enjoy all such real and personal estate as may be necessary and proper for the construction, extension and usefulness of the works of said company, and for the management and good government of the same; and they may have a common seal, and the same may alter, break and renew at pleasure.

Corporate name and powers.

§ 2. The corporation hereby created shall have full power and authority to manufacture and sell gas, coke and tar, made from any or all the substances from which inflammable gas, coke and tar are usually obtained, and to be used for the purpose of lighting the city of Pekin or the streets thereof and public places or houses therein contained and other places in that vicinity; and to erect all necessary works and apparatus, and to lay pipes, for the purpose of conducting the gas, in any of the streets, avenues, public grounds or other places in the said city or elsewhere: *Provided*, that no permanent injury or damage shall be done to any street, lane or highway of said city. The real estate which this corporation is entitled to hold shall not exceed in value one hundred thousand dollars; and it shall be lawful for the said company to sell and convey any real estate it may possess, when not required for its own use.

Manufacture and sale of gas.

Real estate.

§ 3. The capital stock of said company shall not exceed three hundred thousand dollars; to be divided into shares of twenty dollars each; to be subscribed and paid for in such proportions as shall be prescribed by the by-laws and rules for regulating the concerns and affairs of said company; which by-laws, rules and regulations the said company, by its directors, are hereby empowered to make, and to change, alter and revise, at pleasure; and provide for the management and disposition of the stock, property and real estate of said company, and the duties of the officers, artificers and agents to be employed, the number and selection of directors, and all such other matters as pertain to the concerns, affairs or necessities of the company. Said company shall have the exclusive right and privilege of supplying the city of Pekin, in Tazewell county, state of Illinois, for twenty years.

Amount of capital stock.

§ 4. As soon as one hundred shares shall be subscribed, or sooner, if said corporators deem it expedient, the said corporators, or a majority of them, may give notice, by three weeks' advertisement in a newspaper published in said city of Pekin, of the time and place for the subscribers or stockholders to meet and elect any number of directors that said corporators may designate, and to take such other steps towards the organization of such company as may be deemed

Notice of stockholders' meeting.

expedient. Any stockholder shall be entitled, at such and all other elections, to one vote for each share. The directors, when chosen, shall appoint one of their number president; and the said president and directors shall have power to establish all such rules and by-laws as shall be necessary and not inconsistent with the constitution and laws of this state; and shall have the entire direction of the affairs of said company.

Borrowing of money.

§ 5. It shall be lawful for the directors of said company, at any time they may require, to borrow or obtain on loan, such sums of money, and on such terms as they may deem expedient, and to issue the bonds of the company for the same; not, however, to exceed the sum of fifty thousand dollars at any one time.

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

APPROVED February 18, 1861.

In force February 22, 1861.

AN ACT to incorporate the Rockford Gas Light and Coke Company.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That Samuel S. Ashcraft, Thomas Butterworth, Robert P. Lane, Good-year A. Sanford and Worcester A. Dickerman, the purchasers and assignees of the purchasers of the property, works and franchises heretofore belonging to the Rockford Gas light and coke company, incorporated by an act of the legislature of the state of Illinois, approved February 15th, 1855, and which were sold on or about the 8th day of March, 1858, under the trust deed or mortgage executed by said Rockford gas light and coke company, to Henry P. B. Jewett and Azariah Everett, dated August 4th, 1856 and also the assignees of the purchasers of said property and works, under certain judgments or orders of the Winnebago county circuit court, establishing mechanics' liens against the same, and hereby are created a body politic and corporate, by the name and style of "The Rockford Gas Light and Coke Company;" and by that name shall have perpetual succession, and shall have, possess and enjoy all the rights, privileges, franchises and immunities granted and conferred by the aforesaid act of incorporation of said Rockford gas light and coke company; and for the purpose of securing such rights, privileges, franchises and immunities, the aforesaid act of incorporation shall be deemed and taken as a part of the charter of the corporation hereby created.

Name and style.

Former proceedings legalized.

§ 2. That the making, execution and delivery of the above mentioned trust deed or mortgage, by said Rockford

gas light and coke company, to said Henry P. B. Jewett and Azariah Everett, dated August 4th, 1856, and the issuing the bonds thereby secured, and the sale of the property and works of said company, under the same, are hereby legalized and confirmed.

§ 3. That the corporation hereby created shall have power, from time to time, to issue certificates of shares in the capital stock thereof, to an amount not exceeding the actual costs of its property and works, and may acquire and hold such real estate as may be necessary for the convenient prosecution of its business, not exceeding in value seventy-five thousand dollars. The acceptance of this charter shall, in no manner, be construed to charge the corporation hereby created, or the said corporators, their successors or assigns, with any liability of said original corporation of the same name, for which said corporators are not now and never have been liable or the said property by them acquired chargeable with.

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

APPROVED February 22, 1861.

AN ACT to incorporate the Warsaw Gas Light and Coke Company.

In force February  
20, 1861.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That Henry R. Chittenden, William K. Davison, Benjamin F. Marsh, jr., William F. Burnes, William H. Roosevelt and Michael Miller, their associates, successors and assigns, be and they are hereby created a body politic, for the period of twenty-five years, from and after the passage of this act, by the name and style of "The Warsaw Gas Light and Coke Company;" and by that name they and their successors shall be capable, in law, of contracting and being contracted with, suing and being sued, defending and being defended, in all courts and places, and in all matters whatsoever, with full powers to acquire, hold, occupy and enjoy all such real and personal estate as may be necessary and proper for the construction, extension and usefulness of the works of said company, and for the management and good government of the same. And they may have a common seal, and the same may alter, break and renew at pleasure.

Corporate name  
and powers.

§ 2. The corporation hereby created shall have full power and authority to manufacture and sell gas, to be made from any or all the substances, or a combination thereof, from which inflammable gas is usually obtained, and to be used for the purposes of lighting the city of Warsaw or the

Manufacture of  
gas.



streets thereof and any buildings, manufactories and public places or houses therein contained, and to erect all necessary works and apparatus, and to lay pipes, for the purpose of conducting the gas, in any of the streets or avenues of said city: *Provided*, that no permanent injury or damage shall be done to any street, lane or highway of said city. The real estate which this corporation is entitled to hold shall not exceed in value seventy-five thousand dollars.

Amount of capital stock

§ 3. The capital stock of said company, shall not exceed three hundred thousand dollars, to be divided into shares of fifty dollars, to be subscribed and paid for in such proportions as shall be prescribed by the by-laws and rules for regulating the concerns of said company, as they shall think necessary and proper, respecting the management and disposition of the stock, property and estate of said company, the duties of the officers, artificers and agents to be employed, the number and selection of directors, and all such matters as appertain to the concerns of said company. Said company shall have the exclusive privilege of supplying the city of Warsaw and its inhabitants with gas, for the purpose of affording light, for twenty-five years.

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

APPROVED February 20, 1861.

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In force February 21, 1861. AN ACT to authorize the extension of Horse Railways in the City of Chicago.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That Edward P. Ward, William K. McAllister, Samuel B. Walker, James L. Wilson, Charles B. Brown, Nathaniel P. Wilder, and their successors, be and they are hereby created and constituted a body corporate and politic, by the name of "The Chicago West Division Railway Company," for the term of twenty-five years, with all the powers and authority pertaining to corporations for like purposes.

Name.

§ 2. The said corporation shall possess all the powers conferred by and be subject to all the provisions contained in the second, third, fifth and sixth sections of an act entitled "An act to promote the construction of horse railways in the city of Chicago," approved February 14th, 1859: *Provided*, that nothing herein contained shall be so construed as to in any manner invalidate or injuriously affect any of the rights of either of the corporations created by said act, or to authorize the corporation hereby created to construct or use any railway track in the North Division of

Chicago, except by the written consent of the North Chicago City Railway Company : *And, further, provided*, the consent of the owners of two-thirds of the property, by lineal measure, fronting upon the streets through which said railway shall pass, shall be obtained.

§ 3. All the corporate powers of said corporation shall be vested in and exercised by a board of directors and such officers and agents as said board shall appoint. The first board of directors shall consist of said Charles B. Brown, James L. Wilson, William K. McAllister, Samuel B. Walker, and Nathaniel P. Wilder, and, thereafter, of not less than three nor more than seven stockholders, who shall be chosen each and every year, by the stockholders, at such time and in such manner as the said corporation shall, by its laws, prescribe. The said directors shall hold their offices until their successors are elected and qualified, and may fill any vacancies which may happen in the board of directors, by death, resignation or otherwise. They may, also, adopt such by-laws, rules and regulations, for the government of said corporation and the management of its affairs and business, as they may think proper, not inconsistent with the laws of this state.

Board of directors.

§ 4. The corporation hereby created is authorized to purchase, hold and convey real or personal estate; to mortgage or lease its franchises and property; to acquire, unite and exercise any of the powers, franchises, privileges or immunities conferred upon the Chicago City Railway Company, by the act aforesaid or any ordinance of the common council of said city, upon such terms and conditions as may, by contract between the said railway corporations, be prescribed; and the consent of the board of directors of the said Chicago City Railway Company, manifested in writing, shall be a condition precedent to the corporation hereby created exercising the powers or any of them conferred upon it by the second section of the act aforesaid, as to any street of said South and West Divisions of Chicago, in which the said Chicago City Railway Company has acquired the right of laying down its track : *Provided*, that upon obtaining such contract or consent, as aforesaid, this corporation shall thereupon and thereby become entitled, as to the streets last above mentioned and no others, to use the same according to the provisions of said contract and the ordinances aforesaid, anything herein contained to the contrary notwithstanding.

Possession and purchase of real estate.

§ 5. If any person shall willfully and maliciously obstruct either of the corporations aforesaid or that hereby created, in the use of any of their railway tracks or the passing of the cars of either of said corporations thereon, such person and all who shall be aiding or abetting shall be punished by a fine not exceeding five hundred dollars, or may be imprisoned in the common jail for a period not exceeding three months.

Obstructions to said road.

§ 6. This act shall be deemed a public act, and noticed by all courts as such, without pleading, and shall take effect from its passage.

APPROVED February 21, 1861.

In force February 21, 1861. AN ACT to promote the construction of Horse Railways in the City of Peoria.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That Peter Sweat, George C. Bestor, Elihu N. Powell, John J. Weed, Lewis Howell, Amos P. Bartlett and William M. Dodge, and their successors, be and they are hereby created a body corporate and politic, by the name of "The Peoria City Railway Company," for the term of twenty-five years, with all the powers and authority incident to corporations, for the purposes hereinafter mentioned.

Name.

Authority to construct railway.

§ 2. The said corporation is hereby authorized and empowered to construct, maintain and operate a single or double track railway, with all necessary and convenient tracks, for turnouts, side tracks and appendages, in the city of Peoria, and in, on, over and along such street or streets, highway or highways, within the present or future limits of the city of Peoria, as the common council of said city have authorized said corporators, or any of them, or shall hereafter authorize said corporation so to do, in such manner, and upon such terms and conditions, and with such rights and privileges, as the said common council has or may, by contract with said company, hereafter prescribe; but said corporation shall not be liable for the loss of any baggage carried on said railways, kept in and under the care of its owner, their servant or agent.

Amount of capital stock.

§ 3. The capital stock of said corporation shall be one hundred thousand dollars, and may be increased, from time to time, at the pleasure of said corporation. The capital stock 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 of said corporation may direct.

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 and agents as said board shall appoint. The first board of directors shall consist of said Peter Sweat, George C. Bestor, Elihu N. Powell, John J. Weed, Lewis Howell, Amos P. Bartlett and William M. Dodge, and, thereafter, of not less than three nor more than seven stockholders, who shall be chosen each and every year, by the stockhold-



ers, at such time and in the same manner as said corporation shall, by its laws, prescribe. The said directors shall hold their offices until their successors are elected and qualified, and may fill any vacancies which may happen in the board of directors, either by death, resignation or otherwise. They may also adopt such by-laws, rules and regulations, for the government of said corporation and the management of its affairs and business, as they may think proper, not inconsistent with the laws of this state.

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

§ 6. Nothing herein contained shall authorize the construction of more than a single track for said railway upon any of the streets of said city, except by the consent of the owners of two-thirds of the property, by lineal measurement, lying upon any street along and upon which it is proposed to construct a double track for said railway; nor shall anything herein contained be construed to authorize the company hereby incorporated to permit the cars of any other railroad company whatever, propelled by steam, to run along or upon the railway of the company hereby created: *Provided*, that nothing contained in this section shall be held to prohibit the construction of such double tracks, for turnouts, as may, from time to time, be necessary, in the successful operation of said railroad. Building of single track or double track.

§ 7. Said company may organize, whenever ten thousand dollars shall have been subscribed to its capital stock, and five per cent. thereof paid in; and three of the persons mentioned in the first section of this act shall be commissioners to open books for the purpose of receiving subscriptions to the capital stock of said company. Organization.

APPROVED February 21, 1861.

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AN ACT to promote the construction of Horse Railways in the City of Springfield. In force February 18, 1861.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That Jacob Bunn, John T. Stuart, Stephen T. Logan, Benjamin S.*

Edwards, Christopher C. Brown, Thomas S. Mather and George Carpenter, and their successors, be and they are hereby created a body politic and corporate, by the name of

Corporate name.

“The Springfield City Railway Company,” for the term of fifty years, with all the powers and authority incident to corporations, for the purposes hereinafter mentioned.

§ 2. The said corporation is hereby authorized and empowered to construct, maintain and operate a single or double track railway, with all necessary and convenient tracks for turnouts, side tracks and appendages, in the city of Springfield, and in, on, over and along such street or streets, highway or highways, within the present or future limits of the city of Springfield.

Amount of capital stock.

§ 3. The capital stock of said corporation shall be fifty thousand dollars, and may be increased, from time to time, at the pleasure of said corporation. It shall be divided into shares of fifty dollars each, and be issued and transferred in such manner and upon such conditions as the board of directors of said corporation may direct.

Directors and officers.

§ 4. All the corporate powers of said corporation shall be vested in and exercised by a board of directors, and such officers and agents as said board of directors shall appoint. The first board of directors shall consist of Jacob Bunn, John T. Stuart, Stephen T. Logan, Benjamin S. Edwards, Christopher C. Brown, Thomas S. Mather and George Carpenter, and, thereafter, of not less than three nor more than seven stockholders, who shall be chosen each and every year, by the stockholders, at such time and in such manner as the said corporation shall, by its laws, prescribe. The said directors shall hold their office until their successors are elected and qualified, and may fill any vacancies which may happen in the board of directors, by death, resignation or otherwise. They may also adopt such by-laws, rules and regulations, for the government of said corporation and the management of its affairs and business, as they may think proper, not inconsistent with the laws of this state.

Extension of roads beyond city limits.

§ 5. The said corporation is hereby authorized to extend the said several railways, herein authorized to be built, in the manner aforesaid, to any point or points within the county of Sangamon, in this state; and, to enable said corporation to construct any or all of the railways herein authorized, or their appendages, the said corporation is hereby vested with power to take and apply private property, for the purpose and in the manner prescribed by an act entitled “An act to amend the law condemning right of way for purposes of internal improvement,” approved June 22nd, 1852, and the several acts amendatory thereof, and may exercise all the powers conferred upon railroad corporations by the twenty-fifth and twenty-sixth sections of “An act to provide for a general system of railroad incorporations,” approved November 5th, 1849, ascertaining and

making recompense for all damages sustained, agreeable to the provisions of the act hereinbefore first mentioned.

§ 6. The said corporation is hereby authorized to lay down and maintain its said railway or railways in, upon, over and along any common highway in said county, but in such manner as not to obstruct the common travel of the public over the same. In all cases where vehicles shall meet the cars or carriages of said railways, either in the city or county, said vehicles shall give way to the cars or carriages on the railway; and the said corporation may take, hold, mortgage and convey real estate.

§ 7. This act shall be deemed a public act, and noticed by all courts as such, without pleading, and shall take effect from its passage.

APPROVED February 18, 1861.

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AN ACT to incorporate the Chicago Ice Company.

In force February  
22, 1861.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That Horatio G. Loomis, Henry Fuller, James P. Smith, jr., Henry H. Blake, and their associates and successors, be and they are hereby created and constituted a body corporate and politic, by the name of "The Chicago Ice Company," for the term of ninety-nine years, with all the powers and authority incident to corporations, for the purposes hereinafter mentioned. Name.

§ 2. The said corporation is hereby authorized and empowered to collect, store, vend and deal in ice, and whatever may be requisite in conducting a general business in said article; to purchase, hold and convey any real or personal estate whatever, which may be necessary to enable said corporation to carry on its operations. Privileges.

§ 3. The capital stock of said corporation shall be one hundred thousand dollars, and may be increased, from time to time, at the pleasure of said corporation, to the amount of not exceeding five hundred thousand dollars. It shall be divided into shares of one hundred dollars each, and issued and transferred in such manner and upon such conditions as the board of directors of said corporation may direct. Capital stock.

§ 4. All the corporate powers of said corporation shall be vested in and exercised by a board of directors, and such officers and agents as said board shall appoint. The first board of directors shall consist of Horatio G. Loomis, Henry Fuller and James P. Smith, jr., and, thereafter, of not less than three nor more than seven stockholders, who Board of directors.



shall be chosen each and every year, by the stockholders, at such time and in such manner as said corporation shall, by its by-laws, prescribe. The said directors shall hold their offices until their successors are elected and qualified, and may fill any vacancies which may happen in the board of directors, by death, resignation or otherwise. They may also adopt such by-laws, rules and regulations, for the government of said corporation, and the management of its affairs and business, as they may think proper, not inconsistent with the laws of this state.

Place of business.

§ 5. The general office and place of meeting for business of said corporation shall be in the city of Chicago.

§ 6. This act shall take effect from its passage.

APPROVED February 22, 1861.

In force February 21, 1861.

AN ACT to amend an act entitled "An act to incorporate the Addison Farmers' Mutual Insurance Company."

Losses by storms.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the first section of the act to which this is an amendment be and the same is hereby so amended that said company may insure their respective dwelling houses, stores, barns and other buildings, household furniture, merchandise, produce and live stock against loss or damage by wind, in the same manner and on the same terms as authorized by said act in case of loss or damage by fire.

Premium notes.

§ 2. That the seventh section of said act be and the same is hereby so amended that the directors of said company may fix the amount that each party, at the time of insuring, and any party applying for insurance against loss or damage by fire or wind, so electing, may pay a definite sum of money in full for said insurance, in lieu of a premium note.

§ 3. That no money or premium notes received for insurance against loss or damage by fire shall be used or assessed to pay losses occasioned by wind; and no money or premium notes received for insurance against loss or damage by wind shall be used or assessed to pay losses occasioned by fire.

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

APPROVED February 21, 1861.

AN ACT to amend an act entitled "An act to incorporate the Boone County Mutual Insurance Company." In force February 18, 1861.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the name of the "Boone County Mutual Insurance Company" be and the same is hereby changed to "Protection Insurance Company;" by which name and style the said corporation shall hereafter be known. Change of name.

§ 2. The affairs of said company shall be managed by a board of directors, to consist of not less than five nor more than twenty-one members or stockholders, as may be regulated by the by-laws, who shall be elected in the same manner and possess the same powers as are conferred on directors of said company by the act to which this act is amendatory. Board of directors.

§ 3. The guaranty notes mentioned in said act may be increased to any amount, not exceeding two hundred thousand dollars; and the directors are hereby authorized to receive mortgages on unincumbered real estate, bonds, stocks, or other securities, satisfactory to said directors, instead of said guaranty notes. Securities.

§ 4. The directors are hereby authorized to establish an office at Freeport, in the county of Stephenson, and carry on and conduct the business at that place; and any thing required by said act to be done at Belvidere, or in the county of Boone, shall be binding on said company and also on the insured, if done at Freeport, in the county of Stephenson. Office at Freeport.

§ 5. The said company may insure and take risks against loss or damage by lightning, wind, rain, flood, tornado or any other risk that they may deem proper, and charge and receive such premiums therefor as may be agreed upon by and between the parties. Losses by storms, etc.

§ 6. So much of the act to which this act is an amendment as is inconsistent with the provisions of this act be and the same is hereby repealed.

§ 7. The change in the name of said company shall not release said company from any of its liabilities or contracts already made.

§ 8. The fifteenth section of said act is hereby changed so as to read as follows: "This act shall take effect and be in force from and after its passage and continue fifty years." And the balance of said fifteenth section is hereby repealed.

§ 9. This act shall not take effect until it shall have been accepted by a majority of the board of directors of the Boone County Mutual Insurance Company, at a meeting, to be called for such purpose, and the filing with the secretary of state of a certified copy of such vote of acceptance.

APPROVED February 18, 1861.

In force February 18, 1861. AN ACT to incorporate the Commercial Insurance Company of Chicago, Illinois.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That John H. Dunham, H. B. Dox, William Blair, George Armour, Francis B. Cooley, Julian S. Rumsey, Joseph T. Ryerson, H. W. Hinsdale, C. T. Wheeler, S. A. Smith, Clinton Briggs, John V. Clarke and E. S. Hunter, and their successors, assigns and associates, be and are hereby created a body corporate and politic, under the name and style of "The Commercial Insurance Company," located at Chicago, Illinois; and by such name shall have perpetual succession; may sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended; may have and use a common seal, which they may alter at pleasure; and may purchase, hold or convey any estate, real or personal, for the use of said company; may also make such by-laws as are necessary for the regulation of its affairs; and in addition to these general powers, shall have authority, by instrument, under seal or otherwise:—1st. To make insurance on all descriptions of property against loss or damage by fire. 2d. To make insurance on the cargoes and freights of boats and vessels, and on bottomry and respondentia interests, against the perils of marine and inland navigation. 3d. To cause themselves to be reinsured against any risk on which they may have insurance.

§ 2. The capital stock of said corporation shall be five hundred thousand dollars, (\$500,000,) to be divided into shares of one hundred dollars each, to be paid in such installments as the board of directors of said corporation may, from time to time, at their discretion, appoint and order, except as hereinafter provided. The capital stock shall be transferable on the books of said corporation, and not otherwise.

§ 3. Books of subscription may be opened, under the direction of the board of directors, as hereby constituted; and when two hundred thousand dollars (\$200,000) shall have been subscribed, the said board of directors may declare the company organized, and proceed to call in such an installment of the stock as they may deem necessary, not less than twenty-five per cent., in cash; and, for the balance of such subscription, may take bonds and mortgages of real estate, or other approved collateral securities, in their discretion; and may, also, from time to time, invest in like securities or otherwise, as they see fit, whatever amount of the paid up capital or other assets in the possession of the company, the said board of directors may deem best for the interests of the company to so invest.

§ 4. The persons named in the first section of this act shall constitute the first board of directors, and shall hold



their office until the third Monday of January, next succeeding the organization of the company, and until their successors are elected; and on the third Monday of January, in each year, an election of directors shall be held, in the city of Chicago, at such place as the existing board may prescribe. The stockholders in said corporation, in person or by proxy, shall be entitled to one vote for each share of stock held by them, respectively, at the time of such election; and the persons, to the number of thirteen, (13,) being stockholders, receiving the highest number of votes, shall be declared elected directors of said corporation for one year, and shall hold their offices until the next annual election and until their successors are appointed. Five members of the board shall constitute a quorum for the transaction of business.

§ 5. Previous to the annual election for directors three inspectors of such election shall be chosen by the retiring board, whose duty it shall be to canvass the votes cast thereat and declare the result. The said inspectors shall also be judges of the qualifications of voters. Notice of such election shall be published in one or more daily newspapers, at least two weeks previous thereto, over the signature of an officer of the company. The board of directors shall have power to fill any vacancy that may occur in their own body; a majority of voters constituting a choice.

Inspectors of election.

§ 6. Immediately after the directors are elected they shall meet and choose out of their number a president and one or more vice presidents, who shall hold their office until the next election of directors, or until removed by a vote of at least two-thirds of the members of the board. They shall, also, appoint a secretary and all subordinate officers of said corporation, fix their compensation, and prescribe their duties.

Officers of the board.

§ 7. All policies of insurance, issued by said corporation, shall be signed by the president and secretary, and in case of the death or absence of the president, by a vice president, in his stead; and all losses arising under any policy so signed may be adjusted and settled by the president and secretary, under such regulations and orders as the directors may, from time to time, prescribe.

Policies.

§ 8. A statement of the true condition of the company shall be made to the stockholders each year, by the officers thereof, under oath, at the time of the annual election of directors. The office of the company shall be located and kept in the city of Chicago; but the officers of the company may appoint such agents in other places as they may deem necessary.

Annual statement.

§ 9. The board of directors may, from time to time, in their discretion, estimate the profits that have accrued in their business and declare such dividends to stockholders as they may deem advisable.

Dividends.

§ 10. This act is hereby declared a public act, and shall take effect from and after its passage, and shall be liberally construed, for the purposes therein contained.

APPROVED February 18, 1861.

In force February 20, 1861.

AN ACT to incorporate the Columbian Insurance Company.

Corporate name and powers.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That* George T. DeForrest, Julius Bastress, F. M. S. Brawley, A. P. Long, J. O. Churchill, and all other persons who may hereafter associate with them, in the manner herein prescribed, shall be and are hereby constituted a body corporate and politic, by the name and style of "The Columbian Insurance Company;" and by that name may sue and be sued, appear, prosecute and defend in any court of record, or other court or place whatsoever; and may have and use a common seal, and alter, break and renew the same at pleasure; may purchase and hold such personal and real estate as may be necessary to effect the objects of their association, and may sell and convey the same, at pleasure, provided such real estate shall not exceed in value, at any one time, the sum of thirty thousand dollars, except such as may be taken for debts due the company or as a part of the guaranty capital; may make, establish and put in execution such by-laws, ordinances and resolutions, not being contrary to the laws of this state or of the United States, as may be necessary or convenient for their regulation and government and for the management of their affairs, and do and execute all such acts and things as may seem necessary to carry into effect the provisions of this act.

Board of directors.

§ 2. The affairs of said company shall be managed by a board of directors, to consist of not less than five nor more than forty-one members or stockholders, as may be regulated by the by-laws of said company; and said directors shall be chosen, by ballot, from among the members or stockholders of this company; and a majority of the whole board shall constitute a quorum for the transaction of business, until said board shall consist of more than five directors, after which the president and two directors shall constitute a quorum.

Election of board of directors.

§ 3. The persons named in the first section of this act are hereby constituted a board of directors, to serve as such until the first annual election and until others are chosen; which annual election shall be held on the first Monday in April, in each year. Such election shall be held at the office of the company, at such hour of the day as the direc-

tors shall, for the time being, appoint—notice of which shall be given in one of the newspapers printed in the county of Stephenson, at least twenty days immediately preceding such election; and such election shall be holden under the inspection of three members or stockholders, to be appointed previous to every election by the president; and such election shall be made by a plurality of the votes of the members and stockholders or their proxies, allowing each member one vote for each policy by him, her or them held and in force in this company, and each stockholder one vote for each share of stock; and the board of directors are hereby authorized, at any of their meetings, to provide a form for the appointment of proxies and to specify the evidence that shall be required in the execution thereof. The board of directors shall hold their offices for one year and until others are chosen; and vacancies occurring in the board may be filled at any of their meetings.

§ 4. The board of directors shall elect a president, vice president, secretary and treasurer, who shall hold their respective offices for one year and until others are chosen. The board of directors may also appoint an executive committee, from among their number; and such committee, when the board is not in session, may exercise all the powers vested in this company, except where the company has, by its by-laws, otherwise provided. The board of directors may appoint examiners, agents and such subordinate officers as they may deem necessary, who shall hold their offices during the pleasure of the board.

Officers of the  
board.

§ 5. If it shall at any time happen that the election of directors shall not be held or made on a day when pursuant to this act it ought to have held or made, this corporation shall not for that cause be deemed to be dissolved, but it shall be lawful, on any other day, to hold and make an election of directors—notice of which shall be given as herein prescribed.

§ 6. The rates of insurance shall be fixed and regulated by the board of directors, and premium notes may be received from the insured, which shall be paid at such time or times and in such sum or sums as the directors shall, from time to time, require for the payment of the debts of the company. The directors may also fix the amount that each party shall pay at the time of insuring; and any party applying for insurance, so electing, may pay a definite sum of money, in full for said insurance and in lieu of a premium note.

Rates of insu-  
rance.

§ 7. If it shall so happen that the whole stock and contributions of this company be insufficient to pay and satisfy all losses and expenses, in such case a just average shall be made, and the payment to be demanded by virtue of any policy shall be a dividend of such stock and contributions, in proportion to the amount of losses and expenses.



Dividends.

§ 8. The directors may divide the whole or any part of the profits arising from the business of the company with the parties insured, on such terms and conditions as they may judge that the interest and welfare of the company require.

§ 9. The members of this company shall be and are hereby bound and obliged to pay their proportion of all losses and expenses happening and accruing during the time for which they are insured, to the amount of their premium notes and cash premiums, and no more; and the said company shall have a lien on all buildings insured, as against the insured, including the right, title and interest of the insured to the lands on which said buildings are situated and belonging thereto, for the payment of said premium notes.

§ 10. Applications for insurance shall state all the material facts and circumstances affecting the risk; and the statements made in the application shall be binding on the insured and a warranty on his, her or their part.

§ 11. It shall be lawful for this company to reinsure any risk or any part of any risk on which they have made insurance.

Home office.

§ 12. The home office of the company shall be located in the city of Freeport, in the county of Stephenson; but no policy shall be issued by said company until applications have been received for at least fifty thousand dollars.

§ 13. When an action is brought for the recovery of any assessment on any premium note or on any note for premium given to this company, the certificate of the president and secretary, under seal of the company, stating the amount due the company on such note or notes, shall be taken and received as *prima facie* evidence thereof, in all courts and places whatsoever.

§ 14. In case any member of this company shall neglect or refuse to pay his, her or their assessment, as levied by the directors, for the space of thirty days after notice thereof, his, her or their policy shall become void and of no effect.

Suits at law.

§ 15. Suits at law may be maintained by this company against any of its members, and suits may also be maintained by any member against this company; and in any suit between this company and any of its members, any member shall be admitted as a competent witness for and in behalf of this company.

§ 16. It shall be lawful for the secretary of this company to appoint a deputy, which appointment shall be approved by the board of directors.

§ 17. The said company may insure against loss or damage by fire of any building or other property, and also against loss or damage by lightning, wind, rain, flood, tornado or any other risk that they may deem proper, and

charge and receive such premium therefor as may be agreed by and between the parties.

§ 18. For the better security of policy holders, the said Guaranty capital. company may receive a guaranty capital, to any amount not exceeding two hundred thousand dollars, which shall be divided into shares of one hundred dollars each, and shall be entitled to representation at elections of directors, in the ratio of one vote for each share, and shall be secured by mortgages on unincumbered real estate, bonds, stocks or other security, satisfactory to the board of directors. Said capital shall be liable for the losses of the company, whenever the premiums theretofore paid or agreed to be paid are insufficient to pay the same; and the said company shall pay an interest on said capital, but not to exceed seven per cent. per annum; and assessments made on such capital shall be reimbursed from the funds of the company before any dividends of profits shall thereafter be made to the policy holders.

§ 19. The board of directors may invest and employ the Investments. funds of the company in such way and manner as they may judge that the interest and welfare of the company require. But nothing contained in this act shall be so construed as to authorize said company to perform any banking privilege or to issue any certificate of deposit, to circulate as money or currency.

§ 20. This act shall be deemed a public act, and be liberally construed for the purposes therein contained, and take effect and be in force from and after its passage, and continue fifty years.

APPROVED February 20, 1861.

AN ACT to incorporate the Crete Farmers' Mutual Insurance Company. In force February 20, 1861.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That Conrad Tatge, John O. Meier, Henry Tatge, John Scheiwe and William Kirme, and all other persons who may hereafter become members of said company, be and they are hereby incorporated and made a body politic, for the term of twenty-five years, from the passage of this act, by the name of "The Crete Farmers' Mutual Insurance Company," for the Corporate name and powers. purpose of insuring their respective dwelling houses, stores, shops, barns, stables and other buildings, household furniture, merchandise, produce and live stock, against loss or damage by fire, whether the same shall happen by accident, lightning or any other means, except that of design in the assured or by the invasion of an enemy, or insurrection of

Real estate.

the citizens of this or any of the United States; also, to insure against loss or damage to the above specified property by wind; and by that name may sue and be sued, plead and be impleaded, appear, prosecute and defend, in any court of record or other place whatever; may have and use a common seal; may purchase and hold such real and personal estate as may be necessary to effect the object of their association; and may take and hold real estate securities, mortgaged or pledged for the payment of any debt due or becoming due to said company; and also to purchase on sales made by virtue of any judgment or decree of any court in favor of such company; and may take and receive real estate, in payment or in part satisfaction of any debt previously contracted or due; but the value of such real estate shall not at any one time exceed ten thousand dollars; and all such real estate, other than that retained for the transaction of its business, shall be sold and converted into money as soon as the same can be done advantageously: *Provided*, this company shall be required to offer said real estate once in every year, at public auction, to the highest bidder; and said company may make, establish and put into execution such by-laws, ordinances and resolutions, not being contrary to the laws of this state or of the United States, as may seem necessary and convenient for their regulation and government and for the management of their affairs; and do and execute all such acts and things as may be necessary to carry into full effect the purposes intended by the charter.

Members of the company.

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

Property to be insured.

§ 3. It shall be lawful for the company to insure any property situate in the counties of Will, Cook and Kankakee, in the state of Illinois, and the county of Lake, in the state of Indiana, but no other. The home office of this company shall be in the village of Crete, in Will county, Illinois.

Meeting for election of directors.

§ 4. There shall be a meeting of said company, within six months from the passage of this act, in the village of Crete, in the town of Crete, in the county of Will, on such a day and at such an hour as may be appointed by the individuals named in the first section of this charter; a notice of which appointment is to be published for three successive weeks in two weekly newspapers having a general circulation in the aforesaid counties, and annually thereafter on such day and at such place as the said company may hereafter determine; at which said annual meeting or meetings



shall be chosen, by a major vote of the members present, a board of directors, consisting of not less than three nor more than nine members, who shall continue in office until the next annual meeting and until others shall have been chosen and have accepted the trust in their place. In all vacancies happening in said board, whether by removing out of the limits of the company, dying, or refusing or neglecting to act, for the space of three months, successively, then and in every such case another director shall be chosen in the place of each director so dying, removing, refusing or neglecting to act, as aforesaid, by the majority of the directors present, at any monthly meeting; which director, so chosen, shall remain in office until the next general election of directors; and a majority of the whole board shall constitute a quorum for the transaction of business. Special meetings of the company may be called, by order of the directors, whenever the owners of one-twentieth part of the property insured in said company shall apply, in writing, to the directors, setting forth the purposes for which a meeting is desired.

§ 5. The board of directors shall superintend the concerns of said company, and shall have the management of the funds and property thereof, and of all matters and things not otherwise provided for by said company. They shall elect a president, and shall have power, from time to time, to appoint a secretary, (who may be one of the directors,) a treasurer, and such other officers, agents and assistants as to them may seem necessary. They may determine the rates of insurance, the sum to be insured on any building, not exceeding two-thirds of its value nor one-half of the value of personal estate, and the sum to be deposited for the insurance thereof. They may order and direct the making and issuing of all policies of insurances, providing of books, stationery and other things needful for the office of said company, and for carrying on the affairs thereof; and may draw upon the treasurer for the payment of all losses which may have happened, for expenses incurred in transacting the concerns of said company, and for all other purposes authorized by this charter. They may hold their meetings monthly, and oftener if necessary, for transacting the business of the company, and shall keep or cause to be kept a true record of their proceedings, of all the votes of the corporation and of the directors, and of all policies of insurance issued by the company, and of all assignments of such policies assented to by them; which record shall be open to the inspection of any person interested therein.

Duties of the directors.

Records.

§ 6. Books of account, written securities or evidences of indebtedness, title deeds, manuscripts or writings of any description, money or bullion, shall not be deemed or taken to be objects of insurance in said company. Curiosities, jewels, medals, musical instruments, plate, paintings, sculpture, statuary, watches, gold or silverware, of any kind,

shall not be deemed to be included in any policy of insurance, unless those articles or any of them form part of the usual and regular stock in trade of the assured or are particularly specified in the policy. Buildings and any other property, of any kind, which may hereafter be excluded by said company, at any annual meeting, shall never be deemed insurable by the directors of said company, nor any policy issued therefor.

Fund for expenses and losses.

§ 7. Every person who shall become a member of said company, by effecting insurance therein, shall, before he receives his policy, deposit his promissory note for such sum or sums of money as shall be determined by the directors or company, a part of which note, not less than five per cent. thereof, shall be immediately paid for the purpose of discharging the incidental expenses of the institution and creating a fund for the payment of future losses; and the remainder of said deposit note shall be payable, in part or in whole, at any time, when the directors shall deem the same requisite, for the payment of losses and other expenses, or for the purpose of creating a new fund, the old fund or funds having become exhausted or insufficient, by the payment of losses or expenses; and at the expiration of insurance the said note or such part thereof as shall remain unpaid, after deducting all losses and expenses accruing during said term, shall be relinquished and given up to the signer thereof; and every member of said company shall, at the expiration of his policy, have the right to a share of the funds then remaining, after all expenses and losses then incurred shall have been deducted, in proportion to the sums by him actually paid on account of such policy: *Provided*, the directors of said company may fix the amount that each party at the time of insuring; and any party applying for insurance against loss or damage by fire or wind, so electing, may pay a definite sum of money, in full, for said insurance, in lieu of a premium note.

Loan of funds.

§ 8. The funds of said company, created by the payment of the premium on the deposit of notes, or otherwise, may be loaned on security or invested in stocks, as the company or directors may order, except so far as the same may be necessary for the payment of the current expenses of the company.

Payment of losses.

§ 9. Every member of said company shall be and is hereby bound to pay his portion of all losses and expenses happening or accruing in and to said company, during the time that he is a member thereof; and all buildings insured by and with said company, together with the right, title and interest of the assured to the lands on which they stand or upon which they are situated, shall be pledged to said company; and the said company shall have a lien thereon, for securing the payment of such sums as may be assessed on the deposit notes for the purposes authorized by this char-

ter; and such lands or so much thereof as may be sufficient to pay such assessments on the deposit notes, together with the costs of suit, may be sold on any execution issued out of a court of record, under a judgment recovered by said company, on account of the nonpayment of such assessment, any law exempting homesteads from execution or any other law to the contrary notwithstanding.

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

Mode of ascertaining damages.

§ 11. The directors shall, after receiving notice of any loss or damage by fire or wind, sustained by any member, and ascertaining the same, or after the rendition of any judgment, as aforesaid, against said company, for such loss or damage, pay the amount of such loss or damage out of the accumulated funds of the company; but if such funds shall be found insufficient to pay such loss or damage then they shall make an assessment on the deposit notes, for the purpose of paying said loss or damage and creating a new fund for the payment of future losses, after the old fund has become exhausted or insufficient, and they shall publish the said assessment in such manner as they shall see fit, or as the by-laws may have prescribed; and the sum to be paid by each member shall always be in proportion to the original amount of his premium note or notes, and shall be paid to the treasurer within thirty days next after the publication of such notice: *Provided*, that before the directors shall

Additional assessment on deposit notes.



make any assessment on the premium notes, for the purpose of creating a new fund, as aforesaid, the president and a majority of said directors shall make a statement, verified by their oath, exhibiting the amount and nature of the losses sustained, of cash means, available funds and premium notes on hand, and the gross amount of the assessment proposed to be levied.

Partial payments  
on account of  
losses.

§ 12. If it shall ever so happen that the whole amount of the accumulated funds and of the deposit notes should be insufficient to pay the loss occasioned by any one fire or storm of wind, in such case the sufferers insured by said company shall receive, towards making good their respective losses, a proportionate dividend of the whole amount of said accumulated funds and of deposit notes, according to the sums by them respectively insured, and, in addition thereto, a sum, to be assessed by the directors on all the members of said company, not exceeding fifty cents on every one hundred dollars by them respectively insured; and the said directors shall publish such assessment in such manner as they shall see fit, or as the by-laws may prescribe; and no member of said company shall ever be required to pay for any loss occasioned by fire or wind, at any one time, more than fifty cents on each one hundred dollars insured in said company in addition to the amount of his deposit note, nor more than the said amount of fifty cents on each one hundred dollars insured, for any one loss, after his said note shall have been paid in and expended; but any member, upon payment of the whole of his deposit note and surrendering his policy before any subsequent loss or expense has occurred, may be discharged said company.

Mode of collect-  
ing assessments.

§ 13. If any member shall, for the space of thirty days after notice of an assessment has been given, as mentioned in the two last foregoing sections, neglect or refuse to pay the sum assessed upon him, the treasurer shall himself or by his agent demand payment thereof from the assured or his legal representative, if residing or being within the limits of said corporation, or from any tenant in possession of the insured premises, setting forth, in writing, the sum so assessed by the directors; and after such demand by the treasurer or his agent having been made the directors may sue for and recover the whole amount of his promissory note, with costs of suit, and levy any execution issued on such action upon the estate subject to him, as aforesaid; and the money thus collected shall remain in the treasury of said company, subject to the payment of such losses and expenses as have or may thereafter accrue, and the balance, if any remain, shall be returned to the party from whom it was collected on demand, after thirty days from the expiration of the term for which insurance was made; and from and after such neglect or refusal to pay any of the assessments duly ordered by the directors of the company, as

aforesaid, notice by them having been given, and demand by the treasurer or his agent having been made, as aforesaid, the party so in default shall be debarred and excluded from and lose all benefit and advantage of his insurance, for and during the term of such default or nonpayment, and, notwithstanding, shall be liable and obliged to pay all assessments that shall be made during the continuance of his policy of insurance.

§ 14.. Said company may make insurance for any term, not exceeding ten years; and any policy of insurance issued by said company, signed by the president and countersigned by the secretary, shall be deemed valid and binding on said company, in all cases where the assured has a title, in fee simple, unincumbered, to the building or buildings insured and to the land on which the same stand or has the absolute unqualified ownership of the other property insured; but if the assured have a less estate therein, or if the premises be incumbered, the policy shall be void, unless the true title of the insured and the incumbrances on the premises be expressed therein.

Title to property insured.

§ 15. In all cases where real estate on which any building insured by this company stand or any other property insured by this company shall become incumbered by mortgage or alienated by sale, by change in partnership or otherwise, the policies issued thereon shall be void and shall be surrendered to said company, to be canceled; and said company shall not be liable for any loss or damages which may happen to any property after such incumbrance or alienation as aforesaid, unless the policies issued thereon shall have been duly assigned or confirmed by the consent of the directors to the actual owner or owners thereof or the consent of the directors to the mortgaging or incumbering said property shall have been obtained previous to such loss or damage; and no policy issued by said company shall be deemed to have been duly assigned or confirmed, unless the consent of the directors to such assignment, confirmation, incumbrance or mortgage is certified on such policy by the secretary of said company. And in case any policy issued by this company shall be avoided by the incumbrance or alienation of the property insured thereby, or of any real estate, as aforesaid, the insured shall, upon the surrender of his policy, be entitled to receive his deposit note or the amount thereof, if previously collected, upon the payment of his proportion of all losses and expenses that have occurred prior to such surrender: *Provided, however,* that the grantee or alienee of the property insured, having the policy assigned to him, may have the same ratified and confirmed to him, for his own use and benefit, upon application to the directors, and with their consent, within thirty days next after such alienation, on giving proper security, to the satisfaction of the said directors, for such portion of the

Assignments of policies.

deposit note as shall not have been expended in the payment of losses and expenses; and by such ratification and confirmation the party causing the same shall be entitled to all the rights and privileges and be subject to all the liabilities to which the original insured was entitled and subjected under this act.

Alterations  
buildings  
sured.

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

Retaining of pre-  
mium notes in  
certain cases.

§ 17. In case any building or buildings or any other property insured by said company shall be destroyed by fire or wind and the owner or owners thereof receive the amount of such loss, in such case the directors may retain the amount of the premium note given for the insurance thereof until the time for which insurance was made shall have expired, unless the buildings or other property, so destroyed, be rebuilt or replaced and a new policy of insurance be issued by this company on the property so rebuilt or replaced, and a new deposit note be given and premium paid thereon; but from and after the issuing of such new policy the amount of the premium note, so retained as aforesaid, or so much thereof as shall not have been expended towards the payment of losses and expenses, shall be returned.

§ 18. If any insurance on any building or other property shall be and subsist in said company, and in any other office or from and by any other persons, at the same time, the insurance made in and by said company shall be deemed and become void, unless such double insurance subsist by and with the consent of the directors, signified in writing, indorsed on the policy, signed by the president and secretary.

Time of adjusting  
losses.

§ 19. The directors shall settle and pay all losses within three months after they shall have been notified, as aforesaid; and if the accumulated funds of the company shall not be sufficient to pay such losses they shall be authorized to borrow such sum or sums of money as may be sufficient to pay the same. All the members sustaining loss or damage, by fire or wind shall be allowed interest thereon from the time due notice of said loss has been given until payment is made.

Witnesses  
suits.

in § 20. In all suits, by or against said company, any member of said company shall be a competent witness, except in



suits in which he or she shall be directly a party, provided that such person shall not be otherwise disqualified.

§ 21. The records of said company, or copies thereof duly authenticated by the signatures of the president and secretary, shall be competent evidence in any suit between the corporation and a member or members thereof.

§ 22. Whenever sufficient goods or estate of this corporation cannot be found to satisfy an execution issued against them, upon a judgment recovered on a policy by them made, and the said corporation have goods or estate to satisfy such execution, or if the directors shall, for three months after the rendition of such judgment, refuse or neglect to make such an assessment as they may be authorized to make therefor, and to deliver the same to the treasurer for collection, or fail to apply such assessment, when collected, towards satisfying such execution, then in either of the cases aforesaid the directors shall be personally liable for the whole amount of said execution.

Judgment and executions.

§ 23. Whenever the directors shall be liable by the provisions of the previous section the judgment creditor or claimant may recover the same, in an action at law, in courts having jurisdiction; and any director who shall voluntarily or by compulsion pay such judgment or claim shall have an action at law for a contribution against any other director for his due proportion thereof.

§ 24. Whenever the treasurer of the company shall neglect or refuse to collect any assessment in his hands for that purpose and to apply the proceeds thereof to the claim for which such assessment was made, he shall, in his private capacity, be liable to the complainant for the whole amount of his claim.

Treasurer's duty and liability.

§ 25. The company hereby created shall not be concerned in any other business, except the insurance of property against loss or damage by fire or wind, the loaning out and securing the accumulated funds of the company and investing the same in stocks, but shall not exercise any banking privileges whatever.

§ 26. Each member of the company shall be entitled to and allowed an examination of the books, papers and general transactions of said company, upon application thereof to the secretary.

Examination of papers and accounts.

§ 27. The individuals named in the first section of this act shall be and they are hereby constituted a board of directors for said company, to serve as such until the first annual election of directors therein provided for. They shall have power to make up their number to nine, if they think fit, as allowed in the fourth section of this act, from among the members of said company; and all vacancies which may occur in said board, by death, resignation, removal or refusal to serve, may be filled by the remaining members of said board; and a majority of their members, at

First board of directors.

any time, shall constitute a quorum for the transaction of business. They may call the first meeting of the company, as provided by section four, and make and establish by-laws for the government of said company, until the first meeting thereof; and may transact any business necessary and proper to carry into effect the provisions and intentions of this act: *Provided, however,* that all policies of insurance issued by this company shall be valid and binding only from the time when the amount of all the sums thereby insured shall reach the sum of fifteen thousand dollars.

Directors' annual  
report.

§ 28. It shall be the duty of the directors to make an annual report of the condition, progress and affairs of said company; which said report shall be published in a daily paper published in the city of Chicago having general circulation, and also in one weekly paper in each of the counties specified in the third section of this act, provided there is a weekly paper published in said county, at least 20 days before the day on which the annual meeting of the company is to take place.

§ 29. That no money or premium notes received for insuring against loss or damage by fire shall be used or assessed to pay losses or damages occasioned by wind; and no money or premium notes received for insuring against loss or damage by wind shall be used to pay losses or damages occasioned by fire.

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

APPROVED February 20, 1861.

In force February  
21, 1861.

AN ACT to incorporate the Chicago Mutual Life Insurance Company.

Name and style.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That there may be, and hereby authority is given, to establish, in the city of Chicago, in said state, an insurance company, to be known by the name and style of "The Chicago Mutual Life Insurance Company," with a capital stock of not less than one hundred thousand dollars, divided into shares of one hundred dollars each, and which may be increased to any amount, by accumulation of funds received from premiums, bonuses, interest or other income from the business of life insurance, annuities, interest or endowments, which may be deemed necessary by the directors for the safety and security of the holders of its policies or obligations.

Books of subscrip-  
tion.

§ 2. That E. T. Walkins, Thos. Church, John B. Turner, E. Peck, E. H. Hadduck, Frederick Tuttle, C. B. Farwell and C. N. Holden, or any four of them, are hereby

authorized to open books of subscription for the capital stock of said company, in said city, at such time and place as they may think proper, after giving five days' notice of the same in either of the daily newspapers of said city. Said books to be kept open ten days, or at least until one hundred thousand dollars has been subscribed, when the books may be closed; and, after giving three days' notice, the persons who may have become subscribers to the aforesaid stock may meet and elect ten directors, from the said subscribers; which directors may elect, from their own number, a president, vice president and treasurer, and appoint a secretary and other officers, from such as are or are not stockholders; and the said directors, president, vice president and treasurer shall hold said offices one year and until their successors are elected.

Officers of the board.

§ 3. The subscribers to the said stock, their associates, successors and assigns, shall be and they are hereby declared a body politic and corporate, by the name and style of "The Chicago Mutual Life Insurance Company;" and by that name shall be capable, in law, of contracting and being contracted with, suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended against, in courts and all places whatsoever, in all manner of actions, suits, complaints and causes.

Corporate powers.

§ 4. The said corporation may have and use a common seal, which they may change at pleasure; and the directors may make, establish and ordain such by-laws, rates and tables of premiums and annuities, ordinances and regulations, as shall, in their opinion, be necessary for the good government and management of the affairs of said company, and which are not repugnant to the laws and constitution of this state or of the United States.

§ 5. The corporation hereby created shall have full power and authority to take risks and make insurance with any person or persons upon their life or lives or upon the life of any person, for the benefit of any other person having any pecuniary interest in the insured person's life, as creditor, guarantee, or interest by marital relation; to grant, sell or make and contract for annuities or endowments; and to do all other acts and things necessary and incidental to the transaction of a life insurance and annuity business; and to loan their surplus or unemployed capital or money, on personal [or] real estate, state and United States bonds, and other securities, at such rates of interest as the said directors may agree, not exceeding the rate at the time that may be allowed by law to individuals, payable annually, semi-annually, quarterly, or in advance; they may also cause themselves to be reinsured against loss upon any or all of their risks, and also to insure their own property or their interest in any property against loss by fire.

Insurance on life.



Insurance for  
benefit of mar-  
ried women.

§ 6. It shall be lawful for any married woman, by herself and in her name, or in the name of any third person, with his consent, as her trustee, to cause to be insured, for her sole use, the life of her husband, for any period or for the term of his life, when the premium so paid does not exceed five hundred dollars per annum; which may be paid by or from the estate or funds of her said husband, or a policy, in his name, and by him obtained, may be made payable to his wife, or to her and her children, or to either; and, in case of her surviving her husband, the sum or net amount of the insurance becoming due and payable by the terms of the insurance shall be payable to her, to and for her own use, free from the claims of the representatives of the husband or of any of his creditors, other than this corporation. In case of the death of the wife before the decease of her husband the amount of the said insurance may be made payable, after such death, to her children, for their use, and to their guardian, if under age.

Payment of sub-  
scriptions to  
stock.

§ 7. The payment of the stock subscribed for shall be made by the subscribers, respectively, at the time and in the manner following, that is to say: At the time of subscribing there shall be paid on each share subscribed three dollars in cash, and the balance due on each share shall be subject to the call of the directors; and the said directors shall call in and receive and invest in bonds and mortgages on real estate in the city of Chicago, which real estate shall be worth at least one-third in cash more than it is mortgaged for, or in state or United States stocks, or in the bonds of the city of Chicago, at least fifty thousand dollars of said capital stock, before they shall take any risk on life or otherwise, or shall issue any policy of insurance; but when the said sum of fifty thousand dollars is so called in and invested and at least fifty thousand dollars, in addition thereto, shall be secured to the satisfaction of the board of directors, making one hundred thousand dollars of secured capital, then they may exercise all the powers, rights and privileges herein granted, at their discretion, as a corporation.

Duties of the di-  
rectors

§ 8. All the corporate powers of said corporation shall be exercised, performed and conducted by the board of directors aforesaid, who shall be elected by the stockholders, annually, on the first Tuesday of January in each year after they may first elect directors, at such place and hour as the directors or corporation may fix, by due notice given to each stockholder, left at his residence or place of business, if he reside in the city of Chicago, or by mail, if out of said city, at least five days previous to such time of election. Said board shall not be less than five; and any vacancy which may happen may be filled by said board until the next regular election. In all elections of directors each stockholder shall be entitled to one vote for each share of stock held by him, upon which all calls and dues are paid, and he

may vote by himself or by proxy. If any election, from any cause, shall not be held on the day before designated, then some other day may be fixed by the directors for such election; and any such want of an election shall not work any legal disability to said company. A majority of said directors shall be a legal quorum for business.

§ 9. The stock of said corporation shall be considered personal property, and shall be assignable and transferable, according to such rules and restrictions as the board of directors may, from time to time, make and establish; but in all cases of assignment or transfer of stock the person to whom said stock may be assigned shall be required to give the same kind of security for such unpaid stock as is hereby required from the original subscribers.

Transfers of stock.

§ 10. The said corporation may purchase, hold, sell and convey, at their pleasure, all such real estate as may be deemed necessary for the transaction of their business, and to take and hold any real estate, mortgaged or pledged as security, and also to purchase and sell, by virtue of any judgment or decree of a court of equity, or any trust deed or power of sale, or otherwise, and to take and receive any real estate or other property, in payment or towards satisfaction of any debt previously due to said corporation, and to hold and sell the same.

Purchase and sale of real estate.

§ 11. All policies or agreements for annuities or endowments shall be signed by the president or vice president and attested by the secretary and registered in the books of said company and sealed by the corporate seal of said corporation; and the books of record of said company may be used in court as competent evidence of any fact relating to any contract, by-law or policy or risk assumed, when such contract or policy cannot be produced.

Policies.

§ 12. All losses shall be paid on or before the expiration of ninety days after due proof of such loss, under the by-laws of the company, at Chicago, Illinois.

§ 13. In case of any loss or losses, whereby the capital stock of said company may be lessened, before all the subscribed amounts are paid in, each stockholder's estate shall be held accountable for the installment that may remain unpaid on his share or shares at the time of such loss or losses taking place; and no subsequent dividend shall be made until the sum arising from the profits of the business, or by advance of the stockholders, to make good said capital stock, shall have been added thereto: *Provided*, that the stockholders shall not be individually liable beyond the amount of stock held by them, respectively, or the unpaid portion thereof.

Losses.

Extent of stockholders liability.

§ 14. That whenever the net surplus receipts of the corporation, over their losses and expenses, and after providing for their assumed risks, shall be sufficient for the purpose, the stockholders shall be entitled to a dividend, not

Dividends.

exceeding seven per cent., per annum; and in case of such dividend not being made in any one year it may be made good in amount to them at any subsequent period when the net resources of the company shall be sufficient for paying the same. Said dividends may be made semi-annually.

Quinquennial dividends.

§ 15. At the expiration of every period of five years, from the time of the organization of the company, after providing for risks, losses, incidental expenses and dividends, as aforesaid, the directors shall set apart at least seventy-five per cent. of any and all net surplus funds and receipts, formed by estimation, which shall be reimbursed to the policy holders, in proportion as they have paid premiums to said company during said term of five years, or any part thereof, having been insured one year or more, except to such as may have insured at a less than the regular rates of premium, without the right and privilege of participating in the profits of said corporation. The remaining twenty-five per cent. may be divided among the stockholders, as dividend extra, or retained as a surplus fund.

Place of business.

§ 16. The business shall be carried on at the city of Chicago, at such place and by such agencies at other places as the directors may direct.

Time for organizing.

§ 17. This charter shall be void and of no effect unless the company shall organize under and agreeable to its provisions within two years after the passage of this act. This act shall take effect and be in force from and after its passage, and shall continue in force perpetually, but may be amended or altered at the request of the directors by the legislature of the state of Illinois.

APPROVED February 21, 1861.

In force February 22, 1861.

AN ACT to incorporate the Chicago Merchants' Insurance Company.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That Francis B. Cooley, Frederick Tuttle, James H. Woodworth, John V. Farwell and Nelson Tuttle, and their associates, successors and assigns, be and hereby are created a body corporate, and under the name and style of "The Chicago Merchants' Insurance Company;" and by that name shall have and enjoy all the rights, privileges and immunities that other like corporations have, and be recognized by all courts of law and equity in this state, for the term of fifty years, from the passage of this act.

§ 2. CAPITAL STOCK.—The capital stock of this company shall be (100,000) one hundred thousand dollars, and may be increased, from time to time, to five hundred thousand dollars, at the discretion of the stockholders, and shall be divided into shares of one hundred dollars each, which shall be con-



sidered personal property, and shall be assigned only on the books of the company, under the rules established by the directors.

§ 3. OFFICERS.—When there shall have been subscribed to the stock of this company one hundred thousand dollars, and the above incorporators and their associates shall have organized by the election of five directors, and those directors shall have chosen from their number a president and appointed a secretary and treasurer, and fifty thousand dollars shall have been paid in upon said stock, it shall be deemed fully organized, and shall enjoy all the powers herein conferred.

§ POWER OF CORPORATION.—Said corporation shall have power to make and execute all such by-laws and regulations as the directors may deem proper for the government of its affairs: *Provided*, they are not repugnant to the constitution and laws of this state nor of the United States.

§ 5. INSURANCE.—This company shall have full power to make insurance against loss by fire upon buildings and property, of all kinds, and charge and receive such premiums as may be agreed between the parties, either upon the mutual or stock principal, or both, and to make marine insurance upon cargoes, and on losses of all kinds, when their capital shall have reached the sum of five hundred thousand dollars.

§ 6. STOCKHOLDERS.—Each individual stockholder shall be held liable for any and all losses and liabilities of the company, to the amount of stock held by him and not actually paid in; and in all cases of losses, exceeding the means of the corporation, such liabilities to be paid, *pro ratio*, by each stockholder, according to the amount of unpaid stock held by him.

§ 7. The affairs of said company shall be managed by three or more directors, who shall be stockholders of said company. They shall, after the first year, be elected annually, on the first Monday in January, of each year, and shall hold their office until their successors are elected and qualified. Ten days' notice, by public advertisement or personal notice, shall be given of said election, each share being allowed one vote, either in person or by proxy. In case of death or resignation of any officer the vacancy may be filled by the board of directors, due notice having been given, as in the case of an annual election.

This act shall be and is hereby declared a public act, and the same shall be construed liberally, for the purpose herein granted, and shall take effect and be in force from and after its passage.

APPROVED February 22, 1861.

In force February 21, 1861. AN ACT amendatory of the "Act to incorporate the Chicago Marine and Fire Insurance Company.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That, hereafter, a majority of the directors of the Chicago Marine and Fire Insurance Company, shall constitute a quorum to do business; and the board of directors of said company shall hereafter consist of such number as shall be determined upon, from time to time, by the stockholders of said company present at any annual election.*

Deposits in the savings department.

§ 2. The president, secretary or treasurer of said company, when required by any person making a deposit in the savings department of said company, issue certificates of deposit for the same; and all such sums of money as shall be deposited in the savings department of said company shall be held in trust for said depositors and shall not be mingled with the general funds of said company, but shall be kept, used and invested by said company, as a distinct fund, the principal thereof, belonging, in equity, to such depositors, respectively, and not to said company, so that in no event shall such fund be jeopardized by the other transactions or business of said company; but said company shall not, under any pretense whatever, issue a certificate of deposit for any sum not actually deposited in said company.

Rate of interest.

§ 3. Besides the manner pointed out in the act to which this is an amendment, for the investing or loaning the funds of said company, the said company may loan the same, at the rate of interest now or hereafter allowed to other persons or corporations in this state upon any commercial paper, whether payable in this state, or in any other state, kingdom or country, and may invest the same in or loan the same upon the stock of any incorporated company, or deposit any portion thereof with any corporation or individuals it may think proper, and use the same in such manner as may seem most for the interest of said company in facilitating exchanges, and do and perform all such acts and things as may be requisite in all such transactions and for the best interests of said company. Said company may also issue letters of credit and circular letters to travelers.

Business—how to be done.

§ 4. The charter of said company shall be so construed as to authorize said company to exercise all the powers of a loan and trust company, or such as are usually exercised by such companies, and all powers conferred upon any other loan or trust company in this state, and to grant, purchase and sell annuities, and to do all kinds of insurance, and to reimburse themselves against all risks they may have insured against; and all losses sustained by said company may be adjusted and settled, and its business conducted in such manner and by such persons as the board of directors may, from time to time, direct.

§ 5. The board of directors of said company is hereby authorized to increase the capital stock of said company, from time to time, as they shall see fit, and to issue certificates of stock therefor to the persons or corporations to whom they may assign the same; but upon all such increase of capital the cash shall be paid in, in full, before any certificates of stock shall be issued therefor: *Provided*, that nothing in this section contained shall prevent the actual profits of said company being divided in stock in case the directors shall vote to increase the capital.

Increase of capital stock.

§ 6. The time limited for the expiration of the corporate powers of said company, as now fixed by law, is hereby extended for thirty years, from the time so fixed or limited; and said corporation shall have existence and succession, so long as may be necessary, after the expiration of its charter, to wind up its affairs, collect its debts, and divide its assets, and for such purposes only, not exceeding three years.

Extension of charter.

§ 7. The capital stock of said company is personal property, for the value of which, except so much or such parts thereof as is or may be invested in other stock or property which is taxed, said company and not its stockholders shall be taxed. Said capital stock shall be divided into shares of fifty dollars each, and shall be assignable upon the books of said company, at its office, in Chicago, but not elsewhere; but no assignment of stock shall be valid, as against said company, without the consent of the directors thereof, so long as the assignor shall be indebted or liable to said company. And said company shall have a lien upon the stock owned by or standing in the name of any person or corporation indebted or liable to said company to the extent of such indebtedness or liability.

Taxes on stock.

Shares.

§ 8. Sections eighteen (18) and twenty-four, (24,) of the act to which this is amendatory, are hereby repealed; and said company is hereby authorized to change its name, by resolution, to be adopted by said board of directors, to that of "The Marine Company of Chicago;" and by that name shall be liable, to the same extent and in the same manner, to all persons, for the acts and liabilities of said company under its original name as though its name had not been changed.

§ 9. All power and authority in relation to interest for loans made by this company in any act heretofore passed in relation thereto, inconsistent with the provisions of this act, in relation to the rate of interest, is hereby repealed, so far as relates to future contracts.

Interest on loans.

§ 10. The stockholders in this corporation shall, as to all funds deposited as savings and in trust with said corporation, while they are stockholders, be individually liable to the extent of their stock, and shall so continue for six months after transfer of the same notwithstanding such transfer.

Individual liability.



§ 11. Nothing in this act contained or in the original charter of the said company shall authorize it to issue notes, in the similitude of bank notes, to be issued as a circulating medium, in lieu of money.

§ 12. This act shall take effect and be in force as soon as the same shall be accepted by the majority of the directors of said company, at any meeting of said directors, and not before.

APPROVED February 21, 1861.

In force February 20, 1861.	AN ACT to incorporate the Equitable Fire Insurance Company.
Name.	SECTION 1. <i>Be it enacted by the People of the State of Illinois, represented in the General Assembly,</i> That there shall be and hereby is established in the city of Chicago in said state, an insurance company, to be known by the name and style of "The Equitable Insurance Company," with a capital stock of two hundred thousand dollars, divided into shares of one hundred dollars each; which may be increased, at the will of the directors, to any amount, not exceeding one million dollars, to be subscribed and paid for in the manner hereinafter specified.
Books for subscription.	§ 2. That Elisha S. Wadsworth, Calvin C. Parks, Amzi Benedict, John V. Farwell, Franklin D. Gray, Charles L. Harmon, William H. Brown, Lawren P. Hilliard, and C. N. Holden, of said city, or any five of them, are hereby authorized to open books of subscription for the capital stock of said company in said city, at such time and place as they shall think proper, after giving ten days' notice of the same in either of the daily newspapers of said city. Said books to be kept open for the space of fifteen days, and until at least two hundred thousand dollars shall be subscribed. When the said amount shall have been subscribed, the said books shall be closed, and the subscribers may, after five days' notice being given by said commissioners, in manner aforesaid, meet, and under the inspection of said commissioners, choose their directors, who may at any time, after ten days' public notice given, cause the subscription books to be reopened and continue open until the whole or any less amount of said stock shall have been taken.
Corporate name and powers.	§ 3. The subscribers of said stock, their associates, successors and assigns, shall be and they are hereby declared a body politic and corporate, by the name and style of "The Equitable Fire Insurance Company," and by that name shall be capable in law, of contracting and being contracted with, suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being

defended against, in all courts and places whatsoever, in all manner of actions, suits, complaints and causes.

§ 4. The said corporation may have and use a common seal, which they may alter or change at pleasure, and the directors may make, establish and ordain such by-laws, ordinances and regulations, as shall, in their opinion, be necessary for the good government and management of the affairs of said company, and which are not repugnant to the laws and constitution of this state or of the United States.

§ 5. The said corporation shall have full power and authority to take risks and make insurance on vessels and all property laden on board thereof, upon houses and other buildings and the furniture and of the goods therein, and upon all other legal subjects of insurance, and to do all other acts and things necessary and incident to the transaction of a marine and fire insurance business, and to loan their surplus or unemployed capital or money, or personal, real or other securities, at such rates of interest as may be done under the existing laws of this state, or invest the same in stocks. They may also, cause themselves to be insured or reinsured against all or any risks upon which they may have been insured, and also, upon all property of every kind, or any interest therein, owned or held by them, as security or otherwise.

Risks and insurances.

§ 6. The payment of the stock subscribed for, shall be made by the subscribers respectively at the time and in the manner following, that is to say: At the time of subscribing, there shall be paid on each share, five dollars, and the balance due on each share shall be subject to the call of the directors under such penalties as the board of directors may appoint or order, and shall be secured to be paid on demand, or otherwise, as the said directors shall direct, by approved notes, hypothecated stocks, mortgages on real estate, or other satisfactory security. The corporation created by this law shall not commence business under this law, until at least forty thousand dollars shall have been actually paid in on the stock subscribed, and the residue of said subscriptions secured as above provided.

Payment of stock subscriptions.

§ 7. All the corporate powers of said company shall be exercised, performed and conducted by a board of directors, consisting of nine persons, who shall be stockholders of said corporation, and citizens of said city. They shall, after the first year, be elected on the first Tuesday of March in each year, at such time and place in said city, as the board of directors for the time being shall appoint, and shall hold their offices for one year and until others shall be chosen to supply their places. Ten days' public notice of said election shall be previously given, and the election shall be held under the inspection of three stockholders, to be appointed by the meeting for that purpose, and shall be made by ballot, by plurality of the stock represented, allowing one vote for

Election of directors.

every share; and stockholders not personally present, may vote by proxy in writing, directed to the person representing them at each election. In case that it shall happen at any time that an election shall not be made on the day when, pursuant to this act, it ought to have been made, the said corporation shall not, for that cause, be deemed to be dissolved, but it shall and may be lawful, on any other day to make and hold an election of directors, in such manner as shall be regulated by the by-laws and ordinances of said company.

Officers.

§ 8. The directors of said company shall, as soon as may be, after their election, in each year, elect from their own body a president and vice president, who shall each, respectively, hold office during the aforesaid time, and until others are elected; and in case of the death or resignation of the president, vice president or any director, the vacancy may be filled by the board of directors. In case of the absence of the president, the vice president, and in case of his absence, a president *pro tem.*, appointed by the board, shall have all the power and perform all the duties of the president regularly chosen.

Regulations to be made by the directors.

§ 9. The directors may, by the ordinances or by-laws of said company, order what number of directors shall constitute a board or quorum and be competent for the transaction of the business of the corporation; and they shall have power, subject to said by-laws, to appoint from their own body one or more persons to act and assist in the performance of the business of the company, with such salaries and allowances as they may think proper, and also to appoint a secretary and such clerks and other servants as they may deem expedient. They shall have power to declare and make dividends of the profits arising from the business of said corporation. But all contracts, certificates, and other instruments in writing, of said company, shall be signed by the president, or in his absence from the city, by the vice president and secretary thereof, or either of them, as may be provided by the by-laws of said company.

§ 10. The stock of said corporation shall be considered personal property, and shall be assignable and transferable according to such rules and restrictions as the board of directors shall, from time to time, make and establish.

Purchase and sale of real estate.

§ 11. The said corporation may purchase, hold, sell and convey, at their pleasure, all such real estate as may be deemed necessary for the transaction of its business, not exceeding at any one time fifty thousand dollars, and to take and hold any real estate, mortgaged or pledged as security for the payment of any debts due or that may become due to it; and also, to purchase and sell, by virtue of any judgment at law, or decree of a court of equity or any trust deed or power of sale or otherwise, and to take and receive any real estate or other property in payment or towards satisfaction of any debt previously due to said corporation and



to hold the same until they can conveniently sell and convert the same into money or other property.

§ 12. The expenses incurred by the commissioners in executing duties required by this act shall be paid out of moneys received by them of the subscribers to the capital stock, and may be retained by them for that purpose, and the balance so received shall be paid over to the directors, after they shall have been chosen. Expenses.

§ 13. All policies of insurance of said company shall be subscribed by the president, or in case of his absence or death, by the vice president or such other person as may be authorized by the by-laws, and countersigned and sealed by the secretary of said company; and all losses arising under any policy, so subscribed and sealed, may be adjusted and settled by the board of directors or such other person or persons as the board of directors may appoint for such purpose. Policies.

§ 14. In case of any loss or losses, whereby the capital stock of said company may be lessened, before all the installments are paid in, each proprietor or stockholder's estate shall be held accountable for the installments that may remain unpaid on his share or shares at the time of such loss or losses taking place; and no subsequent dividend shall be made until the sum arising from the profits of the business, or by advance of the stockholders to make good said capital stock shall have been added thereto: *Provided*, that the stockholders shall not be individually liable beyond the amount of stock held by them respectively. Losses.

§ 15. The business of the company shall be carried on at such place in said city of Chicago as the directors shall appoint, or at such places and by such agents, in this and other states, as said company may from time to time appoint. Place of business

§ 16. This charter shall be void and of no effect, unless the company shall organize under it and agreeable to its provisions within ten years after the passage of this act; and this act shall take effect and be in force from and after its passage, and shall continue in force for the term of fifty years, but may, at any time, be altered, amended or repealed by the legislature of the state of Illinois; and after the expiration of the time for which the said corporation is created it shall be lawful to use the corporate name, style and capacity for the final settlement and liquidation of its affairs and accounts, in all cases, and for the sale and disposition of its estate, real and personal. Time of organizing.

APPROVED February 20, 1861.

In force February 20, 1861. AN ACT to incorporate the Fort Dearborn Insurance Company of the City of Chicago.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That Van H. Higgins, Charles V. Dyer, Fernando Jones, Sylvester Lind, Charles Leib and George Manniere, and their assigns and associates, be and are hereby created a body corporate and politic, under the name and style of "The Fort Dearborn Insurance Company," situated at the city of Chicago; and by that name shall have and enjoy all the rights, privileges and immunities that other like incorporations have, and be recognized in all courts of law and equity in this state. The privileges contained and conferred by this act shall continue for twenty years and no longer.

Corporate name and powers.

Organization of company.

§ 2. When the said parties and their associates shall have subscribed one hundred thousand dollars, and shall have paid in, as a company fund, fifty thousand dollars, and organized, by choosing five directors, and those directors shall have chosen one of their number president and appointed a secretary and treasurer, it shall be deemed fully organized, and enjoy the powers herein conferred.

Insurances.

§ 3. The said company shall have power to make insurance and take risks on all kinds of property, both marine and fire, and all such risks as any company have, and charge and receive such premium therefor as may be agreed by and between the parties, either upon mutual or stock principles, or both.

Investment of funds.

§ 4. The company shall have power to use, invest and loan its surplus funds in or upon stocks, bottomry and respondentia, in or on bonds and mortgages on personal security, at such rates as private persons may legally do by the laws of this state, and may increase its capital stock to five hundred thousand dollars.

Agencies.

§ 5. Said company may establish agencies and do all acts not inconsistent with the constitution and laws of this state and the constitution of the United States, necessary to and for the full use and enjoyment and to carry out the full objects of this bill.

Individual liability.

§ 6. Every shareholder in the corporation hereby created, shall be individually liable to the extent of his unpaid stock, for all debts created or made during the time he was such shareholder and for six months after the transfer of his shares, notwithstanding such transfer.

§ 7. This act shall be deemed a public act, and be liberally construed for the purposes therein contained; to take effect from and after its passage.

APPROVED February 20, 1861.

AN ACT to incorporate the Farmers' and Merchants' Insurance Company. In force February 22, 1861.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That Levi C. Howell, Warren P. Cook, David E. Head, Coleman C. Sympton and W. N. Cline, and all other persons who shall hereafter become members of the corporation hereby created, in the manner herein prescribed, shall be a body politic and corporate, by the name and style of "The Farmers' and Merchants' Insurance Company," for the purpose of insuring their farm buildings, dwelling houses, stores, shops and other buildings, household furniture, merchandise and other personal property against loss or damage by fire; and by that name may contract and be contracted with, sue and be sued, appear, prosecute and defend, in any court of record or other court or place whatsoever; and may have and use a common seal; may purchase and hold such real and personal estate as may be necessary to effect the object of their association, and may sell and convey the same at pleasure: *Provided*, such real estate shall not exceed one hundred and sixty acres; may make, establish and put in execution such by-laws, ordinances and resolutions, not being contrary to the laws of this state or of the United States, as may be necessary or convenient for their regulation and government, and for the management of their affairs; and do and execute all such acts and things as may be necessary to carry into full effect the provisions of this act.

Corporate name and powers.

Purchase and sale of real estate.

§ 2. That all persons who shall at any time be insured in this company, and also their executors, administrators and assigns, shall be members thereof, during the continuance in force of their respective policies, and no longer, and shall at all times be bound by the provisions of this act.

§ 3. The affairs of this company shall be managed by a board of directors, to consist of not less than five nor more than nine members, as may be regulated by the by-laws of said company. The said directors shall be chosen by ballot, from among the members of this company, and shall hold their respective offices for one year, and until others are chosen; and a majority of the whole board shall constitute a quorum for the transaction of business.

Directors.

§ 4. The board of directors shall elect a president, vice-president, secretary and general agent, who shall hold their respective offices for two years, and until others are chosen and have accepted the trust in their stead. The board of directors may also appoint an executive committee, from among their own members; and such committee, when the board is not in session, may exercise all the powers invested in the company, except where the company has, by its by-laws, otherwise provided. The board of directors may also appoint examiners, agents, and such subordinate officers as

Officers.

Agents.



they may deem necessary, who shall hold their offices during the pleasure of the board.

§ 5. The board of directors shall determine the rates of insurance, and deposit notes may be received from the insured, which shall be paid at such time or times and in such sum or sums as the directors shall require for losses and expenses. Any person or persons applying for insurance in this company, so electing, may pay a definite sum for said insurance, and in lieu of a deposit note.

First board of directors.

§ 6. The persons named in the first section of this act are hereby constituted a board of directors, to serve as such until the first annual election of directors—notice of time and place of which election shall be given in one of the newspapers published in the city of Quincy, county of Adams, state of Illinois, at least fifteen days immediately preceding such election.

Election of directors.

§ 7. The second and all other annual elections of directors shall be held on the first Wednesday of May, in each year, at the office of the company, in the city of Quincy, county of Adams, and state of Illinois—notice of which shall be given in one of the newspapers published in the city of Quincy, at least fifteen days immediately preceding such election; and such election shall be holden under the inspection of two members, to be appointed previous to every election by the board of directors; and such election shall be made by a plurality of votes of the members present, or their proxies, allowing each member one vote for every policy by him, her or them held and in force in this company; and the board of directors are hereby authorized, at any of their meetings, to provide a form for the appointment of proxies, and to specify the evidence that may be required in the execution thereof. If it shall, at any time, happen that the election of directors shall not be held or made on the day when, pursuant to this act, it should have been held or made, it shall be lawful, on any other day, to hold and make an election of directors—notice of which shall be given as herein prescribed; and the company shall have power to call special meetings for the elections of directors and the transaction of other business, by giving notice thereof as herein prescribed.

Capital stock.

§ 8. The deposit notes, together with the cash premiums received from the insured, shall constitute the capital stock of this company; and this company shall have a lien on all buildings insured, including the right, title and interest of the insured to the land, as against the insured, on which said buildings are situated, for the payment of said deposit notes.

Payment of losses.

§ 9. The members of this company are hereby bound and obliged to pay their proportion of all losses and expenses happening or occurring in and to said company, during the time for which their policies were issued, to the amount of

their deposit notes and cash premiums, and no more. The cash premiums received by this company shall be applied in payment of losses and expenses before any assessments shall be made on the deposit notes.

§ 10. This company may make insurance for any term not exceeding five years; but no policy of insurance shall be binding on the company unless signed by the president and secretary, and countersigned by the general agent. It shall be lawful for this company to reinsure any risk or any part of any risk on which they have made insurance; and it shall also be lawful for this company to cause themselves to be insured against any risk or any part of any risk on which they have made insurance. Mode of insuring.

§ 11. The business of this company shall be conducted at such place in the city of Quincy, county of Adams, and state of Illinois, as the directors of the company may choose, and any other place, by agency or regular organization, according to the provisions of this act; but no policy shall be issued until applications for insurance have been received for at least fifty thousand dollars. Place of business.

§ 12. Whenever any assessment shall have been made on any deposit note given to this company for any risk taken by this company, or as consideration for any policy issued by this company, and an action is brought for the recovery of such assessment, the certificate of the secretary of said company, under the seal thereof, specifying such assessment, and the amount due said company on such note or notes, shall be taken and received as *prima facie* evidence thereof in all courts or places whatsoever. Suits at law may be maintained by this company against any of its members, and suits may also be maintained by any member against this company; and in any suit against this company any member shall be admitted as a competent witness for and in behalf of this company. Suits at law,

§ 13. It shall be lawful for the secretary of this company to appoint a deputy, whose authority shall be specified in his appointment, and approved by this company. Secretary and deputy.

§ 14. The board of directors may invest and employ the funds of this company in such way and manner as they may judge that the interest and welfare of the company require; but nothing contained in this act shall be so construed as to authorize the said company to perform any banking privileges, or to issue any certificates of deposits to circulate as money or currency. Investment of funds.

§ 15. The said company may divide applications for insurance into two or more classes, according to the degree of hazard; and the deposit notes shall not, in such case, be assessed for the payment of any loss, except in the class to which they belong. Classes of risks.

§ 16. Each and every member of said company shall be entitled to and allowed an examination of the books and

general transactions of said company, upon application to the secretary.

Annual report.

§ 17. It shall be the duty of the directors of said company to make an annual report of the condition, progress and affairs of said company, a copy of which shall be furnished to the general assembly of this state, at each session of the same.

§ 18. The directors of this company shall have power to declare annual dividends, payable out of the cash surplus over and above all liabilities against the company for losses and expenses.

§ 19. This act is hereby declared a public act, to take effect from and after its passage, and continue fifty years, and shall be liberally construed for every purpose herein contained.

APPROVED February 22, 1861.

In force February 22, 1861. AN ACT entitled an act to incorporate the Farmers' Tornado Insurance Company.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That A. C. Gibson, W. B. Allen, William Robertson, of the county of Kane; Andrew Findley, of Will county; Alexander Small, Addison H. Albee, William N. Davis, of Kendall county; Hiram Bristol, of Du Page county, their associates and successors, are hereby created and constituted a body politic, by and under the name and style of "The Farmers' Tornado Insurance Company;" and by that name may sue and be sued, appear, prosecute and defend; may have a common seal, and alter and renew the same at pleasure; may purchase and hold such real and personal estate that may be necessary to effect the object of said corporation, and may sell and convey the same at pleasure: Provided, such real estate, shall not exceed one hundred and sixty acres; may make, establish and put in execution such by-laws, ordinances and resolutions, not being contrary to the laws of this state or of the United States, as may be necessary or convenient for their regulation and government and for the management of their affairs; and execute, do and perform all such other acts and things as may be necessary to carry into effect the provisions of this act, for the purpose of insuring their farm buildings, dwelling houses, household furniture therein, out buildings and the property therein contained, against loss or damage by fire, lightning or tornadoes. Said corporation to have its principal office at the city of Aurora, in the county of Kane, state of Illinois, at such place as the board of directors shall direct.*

Corporate name and powers.

Real estate.



§ 2. The officers of said company shall consist of a president, vice president, secretary and treasurer, who shall be, *ex officio*, members of the board of directors, and a board of directors, to consist of the above named officers and not less than one or more than five other members of the said company, who shall manage the affairs of said company, according to this act and the by-laws, ordinances and resolutions which they are hereby empowered to make. The number of the board of directors shall be regulated by the by-laws of said company. Said officers shall be elected, by ballot, from among the members of said company, upon the first Tuesday of May, in each year. Such election to be held at said principal office of said company, at the city of Aurora, at such hour of the day as the directors shall, for the time being, appoint; notice of which shall be given in one of the newspapers published in Kane county, at least twenty days preceding such election. Such election shall be holden under the inspection of three members, to be appointed by the board of directors; and such election shall be made by a plurality of votes of the members present, or their proxies, allowing each member one vote for each policy by him, her or them held and in force in such company. And the board of directors are hereby authorized to provide a form for the appointment of proxies and to specify the evidence that may be required in regard to the execution thereof. Said officers shall hold their respective offices for one year and until others are elected; and the said board of directors shall have the power to fill all vacancies that may happen in any of the said offices at any meeting of the same. A majority of said board shall constitute a quorum for the transaction of business. Officers of the company.

§ 3. A. C. Gibson shall be president, W. B. Allen shall be vice president, William Robertson shall be secretary, Albert Jenks shall be treasurer; and the other persons named in the first section of this act, together with the officers above named, shall constitute the board of directors of said company, and have all the powers conferred on said respective officers, from and after the passage of this act until the first annual election, as mentioned in the preceding section, shall be had and until others are elected.

§ 4. The board of directors of said company may also appoint an executive committee from among themselves, and such committee, when said board is not in session, may exercise all the powers vested in this company, except where the company has, by its by-laws, otherwise provided. They may also appoint examining agents and such other subordinate officers as they may deem necessary, who shall hold their offices during the pleasure of said board. The secretary, by and with the advice and consent of said board, may appoint a deputy, whose duty and authority shall be specified in the by-laws of said company, and who shall Executive committee.

hold his office during such time as the board of directors shall direct.

§ 5. If it shall at any time happen that the annual election of officers hereinbefore provided for shall not be held or made on the day appointed by this act, said corporation shall not, for that cause, be deemed to be dissolved, but it shall be lawful for the said board of directors to appoint some other day for said election, giving notice thereof, as hereinbefore provided; and the election so held shall be as legal as though made upon the day hereinbefore prescribed.

Policies.

§ 6. Policies of insurance insuring any of the various kinds of property mentioned in the first section of this act, against loss or damage by fire or lightning or tornadoes, or against loss or damage by fire, lightning or tornadoes, may be issued to the owners thereof for such time or times as [may] be agreed upon between said company and the said assured, subject, however, to the rules, regulations, conditions and by-laws of said company, at such rate or rates as said company, by their said board of directors, may determine, from time to time, said policies to be signed, on behalf of said company, by the president or vice president thereof and the secretary: *Provided*, that no policy of insurance shall be issued by said company until application shall have been received by said company for insuring at least thirty thousand dollars worth of property. Premium notes may be received by said company from the said assured for such part of the premiums paid to said company by said assured, in consideration of said policy of insurance, as may be prescribed by the rules and regulations or by-laws of said company; or said board of directors may accept a definite sum, to be paid at the time of the issuing of said policy, in lieu of said premium note, at their discretion; said premium notes to be payable in assessments, whenever said board of directors may determine, and in such percentages as they may deem necessary for the purpose of paying such losses or expenses as may happen, from time. Notice of such assessment or assessments shall be given, by publication in some newspaper published in Kane county, at least thirty days before the same shall become due: *Provided, however*, that no assessment on such premium notes shall be made by said board of directors, for the purposes aforesaid, unless the cash on hand of said company shall be insufficient for paying the losses and expenses that may be or are about to become due. Said cash, so received for insurance and unexpended and said premium notes, shall constitute the capital stock of said company.

Assessments on  
premium notes.

§ 7. Whenever any assessment is made on any premium note given to the company, in consideration for any policy of insurance issued by said company, and an action at law on default of the said assured to pay the same is brought for the recovery of said assessments, the certificates of the

secretary of said company, under the seal thereof, specifying such assessment and the amount due said company on such note or notes, shall be taken and received as *prima facie* evidence of such indebtedness, in all courts and places whatever. Suits at law may be maintained by this company against its members, and any member or members against said company; and any member, by reason of his being a member thereof, shall not be disqualified from testifying for or against said company in any court or place whatsoever.

§ 8. In case any member or person so insured in said company shall neglect or refuse to pay his, her or their assessment, as levied by the board of directors, for the space of thirty days after the same shall become due, his, her or their policy shall become void and of no effect against said company.

§ 9. In case any policy shall become void, according to the preceding section, or shall expire by its own limitation, said board of directors shall have power to renew the same or reinsure the same or any part of the property covered by said policy.

§ 10. Policies of insurance shall only be issued after application made by the owner or owners of the property to be insured or his, her or their authorized agent; which application shall be in writing and signed by said owner or owners or his, her or their authorized agent; which application shall state all the material facts and circumstances relating to or in any way affecting the risk so to be insured against; which application shall be taken and deemed to be a part of said policy of insurance and as a warranty on the part of the said applicant.

Application of policies.

§ 11. The members of this company or persons insured therein, as to their property, shall be and are hereby bound and obliged to pay their proportion of all losses and expenses happening and occurring before the expiration of their respective policies of insurance, to the amount of their respective premium notes, and no more; and the company shall have a lien on all buildings or other property insured, including the right, title and interest of the insured to the lands upon which said buildings may be situated, against the insured, for the payment of said notes or the assessments thereon; which liens shall exist in full force until said notes are actually paid to said company or are otherwise fully satisfied.

§ 12. In case it should ever happen that the whole stock, premium notes, cash and other property belonging to said company should be insufficient to pay off and satisfy all losses and expenses that may happen, then it shall be the duty of the said board of directors to make a just average thereof of said property, in proportion to the whole amount of said losses and expenses, and pay each creditor of said

Payment of losses.



company his proportion of such effects; which payment shall be in full of all claims upon the said company by reason of any policy of insurance issued by them, and to cancel all outstanding policies and risks; and all policies so canceled shall be deemed to be of no force and effect against said company from the date of such order to cancel.

Investment of funds.

§ 13. The said board of directors may invest and employ the funds of this company in such way and manner as they may judge that the interest and welfare of said company require; but nothing in this act contained shall be so construed as to authorize said company to perform any act as bankers or have any banking privileges or issue any certificates of deposit, to circulate as money or currency, under any circumstances whatever.

Official bonds.

§ 14. The officers of this company shall give such bonds to said company, conditioned for the due performance of their duties, as said company in their by-laws may require.

§ 15. All powers, duties or privileges vested in said company shall be performed by its said board of directors, unless otherwise provided in this act.

§ 16. This act shall be deemed a public act, shall be liberally construed for the purposes herein expressed; may be altered or amended at any time by the general assembly, and shall take effect from and after its passage.

APPROVED February 22, 1861.

In force February 22, 1861.

AN ACT to incorporate the Home Mutual Insurance Company of Illinois.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That Van H. Higgins, Mathew Laffin, Joseph N. King, Sol. A. Smith, Edward Hempstead, Alonzo Cutler, Thomas B. Bryan, Robert C. Wright, B. F. Carver, and all other persons who may hereafter become members of said company, in the manner herein prescribed, be and they hereby are incorporated and made a body politic, for the term of twenty years, from the passage of this act, by the name of "The Home Mutual Fire Insurance Company of Illinois," for the purpose of insuring their respective dwelling houses, stores, shops and other buildings, household furniture and merchandise against loss or damage by fire, whether the same shall happen by accident, lightning or any other means, excepting that of design in the insured, or by an invasion of an enemy or insurrection of the citizens of this or of any of the United States; and by that name may sue and be sued, plead and be impleaded, appear, prosecute and defend in any court of record or other place whatever; may have and use*

Name and style.

a common seal; may purchase and hold such real and personal estate as may be necessary to effect the object of their association, and the same may sell and convey, at pleasure: *Provided*, such real estate shall not exceed one hundred and sixty acres; may make, establish and put into execution such by-laws, ordinances and resolutions, not being contrary to the laws of this state or of the United States, as may seem necessary or convenient for their regulation and government and for the management of their affairs; and do and execute all such acts and things as may be necessary to carry into full effect the purposes intended by the charter.

Real estates.

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

Members of the company.

§ 3. There shall be a meeting of said company at Chicago, in the county of Cook, on the first Wednesday in January, annually, or on such other day as said company may hereafter determine; at which first annual meeting shall be chosen, by a majority vote of the members present and by proxy, a board of directors, consisting of not more than fifteen nor less than nine members, who shall continue in office until others have been chosen and accepted the trust in their stead. In all vacancies happening in said board, whether by removing from the state, dying or refusing or neglecting to act for and during the space of three months, successively, then and in every such case another director shall be chosen in the place of each director so removing, dying, refusing or neglecting to act, as aforesaid, by a majority of the directors present at any monthly meeting; which directors, so chosen, shall remain in office until the next general election of directors; and a majority of the whole board shall constitute a quorum for the transaction of business. At their first regular meeting the board of directors shall class themselves, by lot, into three classes, of an equal number each, the terms of whose service shall, respectively, expire as follows: the first class, in one year; the second class, in two years, and the third class, in three years. Special meetings of the company may be called, by order of the directors, or whenever the owners of one-tenth part of the property insured in said company shall apply to the directors, setting forth, in writing, the purposes for which a meeting is desired.

Annual meeting of stockholders.

§ 4. The board of directors shall superintend the concerns of said company, and shall have the management of the funds and property thereof and of all matters and things thereunto related, not otherwise provided for by said com-

Duties of the board of directors.

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

Issuing of policies.

Erection of buildings.

§ 5. It shall be the duty of the directors of said company whenever the premium notes thereof shall amount to the sum of one hundred thousand dollars, to build or cause to be built or procure for the use of said company a fire proof building, suitable for the transaction of business and for the preservation of the funds and other property belonging to said company from destruction by reason or means of fire; and, for the purpose of providing said building, the directors may assess any sum, not exceeding five per cent. of the amount of premium notes aforesaid in any one year; and it shall be the duty of the directors to keep said building in proper repair, and to renew the same, in whole or in part, as they may think necessary and expedient.

Limit of risks.

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



§ 7. Books of accounts, written securities or evidences of death, [debt,] title deeds, manuscripts, or writings of any description, money or bullion, shall not be deemed nor taken to be objects of insurance in said company. Curiosities, jewels, medals, musical instruments, plate, paintings, sculpture, stationery, watches, gold or silver ware of any kind, shall not be deemed to be included in any policy of insurance, unless those articles, or any of them, form part of the usual and regular stock in trade of the assessed or are particularly specified in the policy. Breweries, chemical establishments, bleaching houses, oil mills or the contents of either of them, alcohol, aquafortis, gunpowder, spirituous liquors, tar, turpentine, varnish, or any other trades, wares or merchandise, which may hereafter be excluded by said company at any annual meeting, shall never be deemed insurable by the directors of said company nor any policy issued thereon.

Insurance on certain articles forbidden.

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

Notes given to company.

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

Payment of losses.

§ 10. In case of any loss or damage by fire happening to any member, upon property insured in and with said company, the said member shall give notice thereof, in writing, to the directors, or to some one of them, or to the secretary of the said company, within thirty days from the time such loss or damage may have happened; and the directors, upon a view of the same or in such other way as they may deem proper, shall ascertain and determine the amount of said loss or damage; and if the party suffering is not satisfied with the determination of the directors the question may be submitted to referees, or the said party may bring an action against said company for said loss or damage, at the next court, to be holden in and for the county

Mode of adjusting losses.

of Cook, and not afterwards, unless said court shall be holden within sixty days after said determination; but if holden within that time then at the next court holden in said county thereafter; and if upon trial of said action a greater sum shall be recovered than the amount determined upon by the directors the parties suffering shall have judgment therefor against said company, with interest thereon from the time the said loss or damage happened and costs of suit; but if no more shall be recovered than the amount aforesaid the said party shall become nonsuit, and the said company shall recover their costs: *Provided, however,* that the judgment last mentioned shall in no wise affect the claim of said suffering party to the amount of loss or damage, as determined by the directors aforesaid: *And, provided, also,* that execution shall not issue on any judgment against said company until after the expiration of three months from the rendition thereof.

Settlement of losses.

§ 11. The directors may, after receiving notice of any loss or damage by fire sustained by any member and ascertaining the same or after the rendition of any judgment as aforesaid against said company for such loss or damage, settle and determine the sums to be paid by the several members thereof, as their respective proportion of such loss, and publish the same in such manner as they shall see fit or as the by-laws may have prescribed, and the sum to be paid by each member shall always be in proportion to the original amount of his premium note or notes, and shall be paid to the treasurer within thirty days next after the publication of said notice. And if any member shall, for the space of thirty days after such notice neglect or refuse to pay the sum assessed upon him, her or them as his, her or their proportions of any loss, as aforesaid, in such case the directors may sue for and recover the whole amount of his, her or their deposit note or notes, with costs of suit; and the money thus collected shall remain in the treasury of the company, subject to the payment of such losses and expenses as have or may thereafter, accrue, and the balance, if any remain, shall be returned to the party from whom it was collected, on demand, after thirty days from the term for which insurance was made.

§ 12. If it shall ever so happen that the whole amount of deposit notes should be insufficient to pay the loss occasioned by any one fire, in such case the sufferers insured by said company shall receive, toward making good their respective losses, a proportionate dividend of the whole amount of said notes, according to the sums by them respectively insured, and, in addition thereto, a sum, to be assessed on all the members of said company, not exceeding fifty cents on every hundred dollars by them respectively insured; and the said member shall never be required to pay for any loss occasioned by fire, at one time, more than fifty cents on

each hundred dollars insured in said company, in addition to the amount of his deposit note, nor more than that amount for any such loss after his said note shall have been paid in and expended; but any member, upon payment of the whole of his deposit note and surrendering his policy, before any subsequent loss or expense has occurred, may be discharged from said company.

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

Insurance for ten years.

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

Time for paying losses.

§ 15. When any house or other building shall be alienated, by sale or otherwise, the policy thereupon shall be void and be surrendered to the directors of said company, to be canceled; and upon such surrender the assured shall be entitled to receive his, her or their proportion of all losses and expenses that have accrued prior to such surrender: *Provided, however*, that the grantee or alienee, having the policy assigned to him, may have the same ratified and confirmed to him, her or them, for his, her or their proper use and benefit, upon application to the directors, and with their consent, within thirty days next after such alienation, on giving proper security, to the satisfaction of said directors, for such portion of the deposit or premium note as shall remain unpaid; and by such ratification and confirmation the party causing the same shall be entitled to all the rights and privileges and subject to all the liabilities to which the original insured was entitled and subjected under this act.

Sale of insured property.

§ 16. If any alteration shall be made in any house or building by the proprietor thereof, after insurance has been made thereon with said company, whereby it may be exposed to greater risk or hazard from fire than it was at the time it was insured then and in every such case the insurance made upon such house or building shall be void, unless an additional premium and deposit, after such alteration, be

Alterations in buildings.



settled with and paid to the directors; but no alterations or repairs in buildings, not increasing such risk or hazard, shall, in anywise, affect the insurance previously made thereon.

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

Double insurance.

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

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

Assessment for losses.

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

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

Annual report.

§ 22. It shall be the duty of the directors to make an annual report of the condition, progress and affairs of said company, a copy of which report shall be furnished to the general assembly.

Board of directors.

§ 23. The individuals named in the first section of this act shall be and they hereby are constituted a board of directors for said company, to serve as such until the first annual election of directors therein provided for. They

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

§ 24. This act shall take effect from and after its passage.  
APPROVED February 22, 1861.

AN ACT to amend an act entitled "An act to incorporate the Henry County Mutual Fire Insurance Company." In force February 21, 1861.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That the name of "The Henry County Mutual Fire Insurance Company" be and is hereby changed to and the said corporation shall hereafter be known by the name of "The Illinois Central Insurance Company."

§ 2. Section nineteen of said act is hereby so amended Place of business. that the business of said company may be carried on in the city of Decatur, in the county of Macon, Illinois.

§ 3. Section four of said act is hereby so amended that the board of directors may appoint an executive committee, from their own number, and such committee, when the board is not in session, may exercise all the powers vested in the company, except when the company has, by its by-laws, otherwise provided.

§ 4. Section seven of said act is hereby so amended that any party applying for insurance, so electing, may pay a definite sum of money in full for such insurance, in lieu of a premium note.

Suits at law.

§ 5. Section twelve of said act is hereby so amended that whenever any assessment is made on any premium note given to this company, and a suit is brought for the recovery of such assessment the certificate of the secretary of said company, under the seal thereof, specifying the date of the assessment, the rate per cent. assessed on the premium notes, and the amount due said company on said premium note or notes, shall be taken and received as *prima facie* evidence thereof, in all courts and places whatsoever.

Deputy secretary.

§ 6. It shall be lawful for the secretary of this company to appoint a deputy, whose authority shall be specified in his appointment, and shall be approved by the board of directors.

§ 7. This act shall take effect from and after its passage.  
APPROVED February 21, 1861.

In force February  
18, 1861.

AN ACT to incorporate the Illinois Central Mutual Insurance Company.

Corporate name  
and powers.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That, from the time this act shall take effect, J. B. White, Charles L. Currier, James H. Matheny, Isaac Keys, Julius H. Currier, and all other persons who may hereafter associate with them, in the manner herein prescribed, shall be a body corporate and politic, by the name and style of "The Illinois Central Mutual Insurance Company;" and by that name may sue and be sued, appear, prosecute and defend, in any court of record or other court or place whatsoever; may have and use a common seal, and alter and renew the same at pleasure; may purchase and hold such real and personal estate as may be necessary to effect the object of their association, and sell and convey the same at pleasure; may make, establish and put in execution such by-laws, ordinances and resolutions, not being contrary to the laws of this state or of the United States, as may seem necessary or convenient for their regulation and government, and for the management of their affairs; and do and execute all such acts and things as may be necessary to carry into effect the purposes intended in this act.

Directors.

§ 2. All persons who shall at any time be insured in this company shall be members thereof, during the continuance in fact of their respective policies, and no longer, and shall at all times be bound by the provisions of this act.

§ 3. The affairs of said company shall be managed by a board of directors, to consist of not less than five nor more than fifteen members, as may be regulated by the by-laws of said company. Said directors shall be chosen by ballot,



from among the members of said company. A majority of the whole board shall constitute a quorum for the transaction of business. The executive committee of said company shall possess all the powers of the board of directors, when said board is not in session.

§ 4. The board of directors shall elect a president, vice-president, secretary and treasurer, who shall hold their respective offices for one year, or longer, as may be determined by the by-laws of said company, and until others are chosen in their places. The board of directors shall also appoint an executive committee, to consist of three directors. Subordinate officers, agents and examiners may be appointed by and in the manner prescribed by the by-laws of said company.

Officers of the board.

§ 5. This company may make insurance on all descriptions of property against loss or damage by fire, lightning, wind and the risks of inland navigation and transportation, and may cause themselves to be reinsured upon the whole or any part of any risk on which they may have made insurance.

§ 6. The rates of insurance shall be fixed by the board of directors or executive committee of said company. Premium notes may be received from the insured, which shall be paid at such time or times and in such sum or sums as the directors shall require for payment of losses and expenses. Any person applying for insurance may pay a definite sum of money, in full for said insurance, in lieu of a premium note. The cash premiums, together with the premium notes, shall constitute the capital stock of said company.

Rates of insurance.

§ 7. The directors of said company may levy an assessment upon the premium notes, at any time they may deem it necessary, for the payment of losses and expenses.

§ 8. The members of this company shall be and are hereby bound to pay their proportion of all losses and expenses happening and accruing during the time for which their policies were issued, to the amount of their premium note and cash premium, and no more; and said company shall have a lien against the insurance on all buildings insured, including the right, title and interest of the insured to the lands on which said buildings are situated, for the payment of said premium notes.

Payment of losses.

§ 9. All statements made on any applications for insurance shall be binding upon the applicant, and a warranty upon his, her or their part.

§ 10. Whenever any assessment is made on any premium notes given to the said company, and the maker thereof shall neglect or refuse to pay the amount claimed by said company, for the space of thirty days after notice of such assessment, (which notice shall be given in the manner prescribed by the by-laws of said company,) his, her or their

Nonpayment of premium notes.

policies shall become null and void and of no effect; and in case an action is brought for the recovery of any assessment due said company, the certificate of the secretary of said company, stating the amount of such assessment, shall be taken and received as *prima facie* evidence, in all courts and places whatsoever.

First board of directors,

§ 11. The persons named in the first section of this act shall be and they are hereby constituted a board of directors for said company, to serve as such until the first annual election of directors herein provided for, and until others are chosen. The directors of said company shall be elected on the first Monday in June, in each year; and such election shall be held at the office of said company, at such hour of the day as the directors or executive committee for the time being may appoint. Such election shall be held under the inspection of three members, to be appointed previous to every election, by the executive committee of said company. Such election shall be made by a plurality of the votes of the members present, or their proxies, allowing one vote for each policy held by members offering and in force at the time of the members offering to vote. The directors or executive committee are hereby authorized, at any meeting, to provide a form for the appointment of proxies and to specify the evidence that may be required of the execution thereof.

Elections.

§ 12. All meetings of the board of directors and executive committee to be called in the manner prescribed by the by-laws of said company.

§ 13. This company shall have power to issue policies for any term of years, not exceeding ten.

Secretary and deputy.

§ 14. The secretary of said company may appoint a deputy, whose powers shall be set forth in his certificate of appointment, and entered upon the record book of said company.

§ 15. The home office of said company shall be in the city of Springfield, in the county of Sangamon, and state of Illinois.

§ 16. If it shall so happen that the election of directors of said company shall not be held on the day when, pursuant to this act, it ought to have been made or held, this company, for that cause, shall not be deemed to be dissolved; but it shall be lawful, on any other day, to make and hold an election, notice of which shall be given in the manner prescribed by the by-laws of said company.

§ 17. All vacancies in the board of directors may be filled by the remaining part of said board, from among the members of said company.

§ 18. This act shall be deemed a public act, and be liberally construed, for the purposes therein mentioned, and be in force on and after its passage.

APPROVED February 18, 1861.

AN ACT to incorporate the Illinois Life Insurance Company.

In force February  
18, 1861.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That* John M. Willson, Cyrus H. McCormick, James H. Woodworth, Frederick Tuttle, John V. Farwell, David S. Smith, Nelson Tuttle, Charles Mears, Henry A. Brewster and Charles B. Farwell, and all others who shall be associated with them, as stockholders in the corporation hereby created, shall be a body politic and corporate, by the name of "The Illinois Life Insurance Company;" and by such name shall have succession and continue in existence one hundred years, from the time this act shall take effect; and may sue and be sued; and shall have and enjoy all the rights, privileges and immunities that other like corporations have, and be recognized in all the courts of this state; and shall have power to make and put in execution all such by-laws and regulations, touching all its management and interest, so as to secure the well ordering of all its affairs, as the board of directors may deem proper: *Provided*, they be not repugnant to the constitution and laws of the United States or of this state.

Corporate name  
and powers.

§ 2. The persons above named shall constitute the first board of directors, and shall hold their office until the first Monday of January, 1863, and until their several offices shall have been filled by an election, as hereafter provided; at which time the term of office of two shall expire, and two, annually, thereafter, in the order in which they are herein named. On the first Monday of January, 1863, there shall be an election of two or more directors, and, annually, thereafter, in the same order; and at such elections every person shall be entitled to one vote, either personally or by proxy, for every share of stock held by them; and the said two or more individuals, who shall receive the largest number of votes, shall be declared elected, and hold their office for the period of five years, and until their successors are elected. The board of directors shall have power to increase their number, from time to time, to twenty, in their discretion, whose election and term of office shall be the same as hereinbefore provided; and to fill any vacancy that may occur.

First board of di-  
rectors.

§ 3. The capital stock of this company shall be two hundred thousand dollars; and the board of directors shall have power to increase it, from time to time, to the full sum of one million of dollars, in their discretion. The same shall be divided into shares of one hundred dollars each, transferable only on the books of the company, under such rules and regulations as the board of directors shall establish.

Capital stock.

§ 4. Whenever the above named corporators, and their associates, shall have subscribed two hundred thousand dol-

Time and mode of  
organizing.



lars, and paid into the treasurer of the said company twenty-five dollars on each and every share, and shall have secured the remaining seventy-five dollars on every share to the satisfaction of the board of directors, and the said board shall have duly organized themselves, by the election of one of their number to act as president and another to act as vice-president, and shall have appointed a secretary and a treasurer, with such other officers as they may choose, and filed a certificate of the same in the office of the clerk of the county court of Cook county, signed by their president and vice-president, and attested by their secretary, then the said company shall be deemed to be fully organized, and enter upon and enjoy all the powers herein conferred.

Officers.

§ 5. The stock, property, business and interests of the said company shall be conducted by the president, vice-president and board of directors, who may receive subscriptions to the capital stock thereof, at such times and places as they shall direct.

Life insurance.

§ 6. The said company hereby created shall have authority to make insurance on the lives of individuals, and every insurance thereunto appertaining; to receive trusts, grant immunities and endowments, and purchase the same, in such form and manner, and for such premiums and considerations, as they shall direct.

Investment of funds.

§ 7. The said board of directors may invest their capital stock and accumulations in bonds and mortgages on unincumbered real estate, within the state of Illinois, worth at least fifty per cent. more than the amount loaned thereon, or in the stocks of the United States, stocks of the state of Illinois, or in any interest-paying stocks of any incorporated city in this state, or other satisfactory securities; and may collect such bonds or sell such securities, and reinvest the proceeds thereof, at their discretion.

Real estate.

§ 8. The real estate which it shall be lawful for the company to purchase, hold or convey, shall be such as shall be requisite for its immediate accommodation in the convenient transaction of its business, or such as shall have been mortgaged to it, in good faith, by the way of security for loans previously contracted, or for moneys due on such as shall have been purchased at sales upon judgments, decrees or mortgages obtained or made for such debts.

§ 9. The fiscal year of the said company shall commence on the first day of January, and terminate on the thirty-first day of December, in each and every year.

§ 10. This act is hereby declared to be a public act, and the same shall be construed liberally for the purposes herein granted, and shall take effect and be in force from and after its passage.

§ 11. The home office of said company shall be in the city of Chicago.

APPROVED February 18, 1861.

AN ACT to amend an act entitled "An act to incorporate the Illinois Mutual Fire Insurance Company." In force February 20, 1861.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the board of directors of said company shall determine the rates of insurance, the sum to be insured on real, personal and mixed property, and the sum to be deposited for the insurance thereof.

§ 2. That section eighteen of the act to which this is an amendment be amended, by inserting after the word "building," in said section, the words "on personal property;" and that among the property deemed uninsurable by this company, in section seven, the word "breweries" be stricken out.

§ 3. That so much of the act to which this is an amendment as is inconsistent with this act be and the same is hereby repealed.

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

APPROVED February 20, 1861.

AN ACT to incorporate the Illinois Railroad, Steamboat, Passenger and Live Stock Insurance Company. In force February 21, 1861.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That George T. Pearson, Francis A. Bowen, Andrew R. Keefer, James H. Matheny and Hiram Sanford, their associates and successors, are hereby declared a body corporate, by the name of "The Illinois Railroad and Steamboat Passenger and Live Stock Insurance Company," to be established in the city of Springfield, county of Sangamon, and state of Illinois, for the purpose of insuring passengers against personal injuries and the loss of life, by accidents, while traveling on railroads, steamboats and other vessels, and also for insuring live stock, of all kinds, against loss or damage, by accidents, while being transported on railroads, steamboats and other vessels, with power to sue and be sued, plead and be impleaded; to have and to use a common seal; and to make and alter, from time to time, such by-laws, not inconsistent with law or the provisions of this act, as they may deem necessary for the government of the said corporation.

Name and place  
of business.

§ 2. The capital stock of said corporation shall be one hundred thousand dollars, to be divided into shares of one hundred dollars each. The said corporation, as soon as the capital stock shall be subscribed and twelve and a half per

Capital stock.

centum paid in and the remainder secured by notes, based upon bond and mortgage of improved real estate, not exceeding two-thirds its value, or by deeds of trust of real estate, in the state of Illinois, which said real estate or any part thereof may be sold on thirty days' notice being given, in default of the payment of the said notes or any portion thereof that may, from time to time, be called in, may commence and carry on their business.

Directors  
officers.

and

§ 3. All the corporate powers of the company shall be vested in five directors, who shall be citizens of this state and members of the company, one of whom shall be president thereof, who shall hold their offices for one year and until others are appointed in their stead. Annual meetings shall be held by the members of the corporation, for the choice of directors and any other business that may come before them, at such time and place, in the city of Springfield, as a majority of the directors may appoint; and notice shall be given in two of the papers printed in the city of Springfield, at least ten days previous to said meeting. And the first meeting shall be held on the twenty-fifth day of May, 1861; and the election shall be holden under the inspection of five stockholders, who shall not be directors, to be appointed by the directors, and shall be made by ballot, by a plurality of the stockholders present, allowing one vote for every share. Stockholders, not present, may vote by proxy; and the voting powers of the members shall be determined five days previous to said election.

Meeting of direc-  
tors.

§ 4. The directors so chosen shall meet as soon as may be after such election, and shall choose one of their number to be president, who shall preside for one year; and in case of the death, resignation or inability to serve of the president or any director, such vacancy or vacancies may be filled, for the remainder of the year, by the directors.

Special meetings.

§ 5. A special meeting of the corporation shall be called by the president and directors, upon the application, in writing, of ten members; notice of which shall be given ten days, successively, in two of the papers printed in the city of Springfield; and special meetings of the corporation may be called, whenever the president and directors may deem it expedient.

Insurances.

§ 6. The president and directors shall have power and authority, in the name and on behalf of the said corporation, to insure passengers against personal injuries and loss of life, arising from injuries sustained by collisions, explosions and otherwise, while traveling upon any of the railroads, rivers, lakes and canals in the state of Illinois and on the waters of lakes Michigan, Huron, Erie and Ontario, or on the railroads, rivers, lakes and canals in any other of the states or territories of the United States or in Canada, and also to insure live stock against loss or damage by collision, explosion or otherwise, while being transported upon any



railroad, river, lake or canal in the United States or in Canada, but shall not take, on any one risk, a larger amount than five thousand dollars; and, generally, to do and perform all matters and things relating to such objects. And all policies or certificates of insurance shall be signed by the president and countersigned by the secretary, and shall be binding and obligatory upon the said corporation, in like manner and with like force as if under the seal of said corporation.

§ 7. It shall not be lawful for the said corporation to deal, directly or indirectly, in any kind of goods, wares or merchandise whatever, or in buying or selling any stock or funded debt whatsoever, created or to be created by or under any act of the United States or any particular state; but it shall be lawful for the said corporation to purchase and hold any stock or funded debt, last aforesaid, for the purpose of investing any part of their capital stock, funds or moneys therein; and also to sell and transfer the same and again invest the same, or any part thereof, in such stock or funds, whenever and as often as the exigencies of the corporation or a due regard to the safety of its funds shall require; and also to make loans on bond and mortgage, and on notes secured by trust deeds, and the same to call in and reloan, on like security, as occasion may require: *Provided, however,* that nothing in this act contained shall be construed to confer on said corporation any banking power whatsoever or the right to receive money on deposit and loan the same, or to buy and sell exchange, as a business.

Dealing in goods and stocks.

§ 8. The first election of directors shall be holden as soon as may be after the capital stock shall have been subscribed, under the inspection of five of the stockholders, whose duty it shall be to give due notice of the time and place of holding such election, and immediately after said election to give to the stockholders present a certificate of the names of the persons elected, and to hand over to the directors the subscription books of the said corporation and all papers relating to the same.

Election of directors.

§ 9. It shall be the duty of the president and directors to investigate the best mode of investing the funds of the corporation; and a majority shall have power to loan, or invest the same. They shall, also, at the end of the fiscal year, examine the statement of the affairs of the company made out by the secretary, and compare the same with the books.

Manner of investing funds.

§ 10. It shall be the duty of the president and secretary, at least thirty days previous to the annual election of directors, to prepare and insert in a book to be provided for that purpose a full and true statement of the funds, property and securities of the said company, showing the amount of real estate, in bond and mortgage, in notes and other securities, in public debt, in other stock, and the amount of debts due

Annual statement.

to and from the said corporation; which statement shall be certified by the president and secretary, and shall be open to the inspection of any stockholder of the said corporation, during the usual hours of business, in the office thereof, until the day of election; and in case the president and secretary shall neglect or refuse to prepare such statement or submit the same, when required, they and each of them shall forfeit and pay to every stockholder so requiring the inspection of such statement, the sum of five hundred dollars, to be sued for and recovered by such stockholder, to his own use, in any court having jurisdiction to that amount; but such suit shall be commenced within thirty days after the annual election of directors of said company.

Payment of capital stock.

§ 11. It shall not be lawful for the said corporation to commence business under this act until the president and secretary of the said corporation shall have made a deposition, in writing, and filed the same in the office of the clerk of the county court of Sangamon county, that the capital stock of the said corporation has been paid in or secured, according to the provisions of this act.

Annual report of directors.

§ 12. It shall be [the] duty of the president and directors of said company, on the first Monday of January in each year, to make a report of the state and situation of said company, showing the amount of capital stock paid in, and the manner in which the same is invested or secured; how much thereof has been consumed and expended in the payment of losses sustained by the said company; the amount of its expenses and how much is safe, and the amount of liability incurred by said company, and of debts owing by them; the amount of premiums received, earned and unearned; of dividends made and losses sustained during the preceding year, and the amount of losses claimed against said company but not adjusted or paid; and the amount of surplus on hand, and the manner in which the same shall be invested or secured, specifying the amount and nature of each security; which report shall be signed and sworn to or affirmed by the said president and secretary and filed in the office of the clerk of the county court of Sangamon county; and a printed copy of the same shall be delivered to each member, when requested.

Examination of the company's affairs.

§ 13. It shall be lawful for the judge of the circuit court of Sangamon county, on the complaint of any stockholder, made either to the court or the judge in vacation, whenever it shall appear proper, to cause the affairs and situation of the said corporation to be examined into by a master in chancery or such other person as the judge may appoint, who shall make report to said court or judge. The expense thereof shall be determined by said judge, who, in his discretion, may direct such expense to be paid by the company.

§ 14. The person thus appointed to make such examination shall have the power to examine, under oath, the presi-

dent and secretary or other officers of said company, and the books, papers and vouchers thereof, and any other testimony, in such manner as will best advance the purposes of such investigation.

§ 15. If, upon such investigation, it shall appear that the corporation have, in any respect, exceeded the powers hereby granted, or violated the provisions of this act, it shall be the duty of the said court or judge to appoint a receiver of the stock, property and assets of said corporation, who shall have full power, under the direction and subject to the control of said court, to close and wind up the business and affairs of said corporation.

Appointment of a receiver.

§ 16. The capital stock of said corporation may, hereafter, be increased to an amount, in the whole, not exceeding two hundred and fifty thousand dollars, in the discretion of a majority of the directors thereof, to be subscribed for and taken under the direction and superintendence of the president and directors aforesaid, or by any person or persons duly appointed by a majority of said directors, in the same manner as is herein provided for the subscription of the original capital stock; and the directors of said corporation shall have power to reopen the books of subscription of said company, in the said city of Springfield, for the purpose of receiving subscriptions for such additional stock, and to keep the same open till the whole amount of such additional stock shall have been subscribed: *Provided*, the said directors shall, prior to the opening of the subscription books for the purpose aforesaid, give twenty days' notice, in two of the newspapers published in the city of Springfield, the time and place of such opening of the said subscription books.

Increase of capital.

§ 17. The said company may appoint and employ such agents as a majority of the directors thereof shall deem requisite for the efficient carrying on of the business of said company, and may define the powers and prescribe the duties of such agents.

Agents.

§ 18. The duration of the corporation created by this act shall be twenty-five years; and the general office of the company, for the transaction of business, shall be located in the city of Springfield.

General office.

§ 19. The said corporation may purchase and hold such real estate as the directors may deem necessary for the transaction of its business, and an amount at any time not exceeding thirty thousand dollars; and to take and hold any real estate or securities mortgaged or pledged of the said corporation, to secure the payment of any debt due or to become due to it; and, also, to purchase, on sales made by virtue of any judgment at law or any decree of a court of equity, or otherwise; to take and receive any real estate in payment of or toward satisfaction of any debt previously contracted or due to the corporation, and to hold the same

Real estate.



until they can conveniently and advantageously convert the same into money or other personal property, and to sell and convey said real estate, or any part thereof: *Provided*, the said corporation shall be compelled to offer, in good faith, the said real estate, once in every five years, at public auction to the highest bidder.

§ 20. This act shall take effect from and after its passage.  
APPROVED February 21, 1861.

In force February 22, 1861.

AN ACT to incorporate the Inland Insurance Company of Chicago.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That H. B. Wilmarth, C. H. Ray, F. B. Cooley, P. L. Yoe, Luther Haven, Phillip Dater, jun'r., J. S. Newhouse and Arthur C. Ducat, and such other persons as may hereafter become stockholders in the corporation hereby created, their successors and assigns, be hereby created a body corporate and politic, under the name and style of "The Inland Insurance Company situated at Chicago;" and by that name shall have and enjoy all the rights and privileges and immunities that other like corporations have, and be recognized in all courts of justice and equity, in this state, and shall continue in existence fifty years, from the date of its organization.

Name and place of business.

Amount of capital stock.

§ 2. The capital stock of said corporation shall be two hundred thousand dollars, to be divided into shares of one hundred dollars each, to be paid in such installments as the board of directors of said corporation may, from time to time, at their discretion, appoint and order, except as hereinafter provided. The said capital stock may hereafter be increased to an amount not exceeding five hundred thousand dollars, in the discretion of the board of directors; and the stock of said corporation shall be transferable on the books of the said corporation, and not otherwise.

Subscriptions.

§ 3. Books of subscription may be opened, at the discretion of a majority of the parties named in this act; and when the amount of capital stock, as provided in the foregoing section, shall have been subscribed, and the subscribers shall have chosen nine directors, and said directors shall have chosen out of their number a president and vice president, and appointed a secretary, said board of directors may declare the company organized, and proceed to call in such an installment of the stock as they may deem necessary, not less than twenty per cent., in cash; and for the balance of such subscription, may take bonds and mortgages on unincumbered real estate, in the state of Illinois, or judgment notes of responsible parties, in the city of Chicago, at their discretion.

Officers.

§ 4. The said company shall have power, by instrument, under seal, or otherwise—*First:* To make insurance upon all descriptions of property against loss or damage by fire. *Secondly:* To make insurance upon all description of boats, and vessels, the cargoes and freights thereof, and upon bottomry and respondentia interest, against the perils of marine and inland navigation. *Thirdly:* To cause themselves to be reinsured against any risk upon which they may have insurance.

Insurances.

§ 5. The first board of directors shall hold their office till the second Monday in January, next succeeding the organization of the company, and until their successors are elected; and, on the second Monday of January, in each year, during the continuance of said corporation, an election of the directors thereof shall be held in the city of Chicago, at such time and place as the existing board of directors may prescribe. The stockholders in said corporation, in person or by proxy in writing, shall be entitled to one vote for each share of stock held by them, respectively, at the time of such election; and the persons, to the number of nine, being stockholders, receiving the highest number of votes at such election, shall be declared elected directors of said corporation, for one year, and shall hold their office until the next annual election and until their successors are elected. A majority of the board shall constitute a quorum for the transaction of business.

First board of directors.

§ 6. The board of directors shall have power to fill any vacancy that may occur in their own body—a plurality of votes constituting a choice. They shall choose, in the same manner, previous to the annual election of directors, three inspectors of such election, whose duty it shall be to canvass the votes cast thereat and declare the result. The said inspectors shall, also, be judges of the qualifications of voters. Notice of such elections shall be given, by publication in one or more daily newspapers published in Chicago, at least two weeks previous thereto, over the signature of an officer of the company.

Vacancies.

§ 7. The directors shall meet, as soon as may be, after every election, and shall choose, out of their number, a president and vice president, who shall hold their offices until the next annual election of directors and their successors are chosen. They shall also have power to appoint a secretary, and all subordinate officers of said corporation, to fix their compensation, and prescribe their duties.

Officers of the board.

§ 8. All policies of insurance made by said corporation shall be subscribed by the president or vice president and countersigned by the secretary; and all losses arising under any policy, so subscribed, may be adjusted and settled by the president, vice president or secretary, under such regulations as the board of directors may, from time to time, prescribe.

Policies.

Office.

§ 9. The office of said company shall be located in the city of Chicago; but the officers may appoint such agents in other places as they may deem expedient.

Dividends.

§ 10. The board of directors may, from time to time, in their discretion, estimate the net earned profits that have accrued on the business of the company, and declare such a dividend thereof to the stockholders as they may deem desirable.

§ 11. By the consent, in writing, of three-fourths of the stockholders, the insured may be allowed to participate in the net profits of the company, to such an extent and upon such terms as the directors may deem expedient.

§ 12. Nothing in this act contained shall authorize said corporation to receive deposits or do a banking business.

§ 13. Each shareholder in this corporation shall be individually liable for the debts and contracts of said company, to the extent of his unpaid stock.

§ 14. This act shall be deemed a public act, and shall be liberally construed, for the purposes therein contained, and take effect from and after its passage.

APPROVED February 22, 1861.

to force February 22, 1861. AN ACT to incorporate the Jersey County Farmers' Mutual Insurance Company.

Corporate name and powers.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That Joel Cory, Lewis Randolph, J. Murray Bacon, O. P. Powell, J. E. Cooper, Robert C. White, Israel Squires, William Darbey, Geo. E. Warren and all other persons who shall become members of the corporation hereby created, shall be and are hereby ordained and declared to be a body politic and corporate, by the name and style of "The Jersey County Farmers' Mutual Insurance Company," for the purpose of insuring farm buildings, dwelling houses, household furniture and other property against loss or damage by fire, whether the same shall happen by accident, lightning or any other cause, excepting that of design in the insured, or by the invasion of an enemy, or an insurrection of the citizens of this State or of any of the United States; and by that name may sue and be sued, plead and be impleaded, appear, prosecute and defend in any court of record or other court or place whatsoever; and may have and use a common seal, and alter and renew the same at pleasure; may purchase and hold such real and personal estate as may be necessary to effect the objects of their association, and may sell and convey the same at pleasure: *Provided*, that the



real estate which it shall be lawful for the said corporation to hold be only such as shall be requisite for the purpose of erecting buildings thereon, in which to meet and transact the business of said corporation, or such as shall have been *bona fide* mortgaged to it, by way of security or conveyed to it in satisfaction of debts previously contracted in the course of its business or purchased at sales on judgments which shall have been obtained for such debts; and with regard to all such real estate, so to be held by the said corporation, as aforesaid, except such as shall be for its immediate accommodation, as aforesaid, or such as it may hold, by way of mortgage, and whereof the actual possession shall be and remain in the mortgagor, his heirs and assigns, the said corporation shall be bound to sell and dispose of the same, respectively, within five years after it shall acquire the same, and shall not be capable of holding the same after the expiration of the said five years; may make, establish and put in execution such by-laws, ordinances and resolutions, not being contrary to the laws of this state or the United States, as may be necessary or convenient for their regulation and government and for the management of their affairs; and to do and execute all such acts and things as may be necessary to carry into effect the provisions of this act.

Real estate.

§ 2. The affairs of this company shall be managed by a board of directors, to consist of not less than five nor more than fifteen, as may be regulated by the by-laws of said company; and said directors shall be chosen by ballot, from among the members of said company; and a majority of the whole board shall constitute a quorum for the transaction of business.

Board of directors

§ 3. The persons named in the first section of this act are hereby constituted a board of directors, to serve as such until the first annual election of directors and until others are chosen; which annual election shall be held on the first Monday in May, in each year. Such election shall be held at such place and at such time as the directors, for the time being, shall appoint—notice of which time and place shall be given in one of the newspapers printed in the county of Jersey, or, if there be no newspaper published in said county, then in some newspaper published in the county of Madison, at least twenty days immediately preceding such election. And such election shall be holden under the inspection of three members, to be appointed previous to every election by the board of directors; and such election shall be made by a plurality of the votes of the members present, or their proxies, allowing each member one vote. The board of directors shall hold their offices for one year and until others are chosen; and vacancies occurring in the board may be filled at any of their meetings.

Notice of election.

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

§ 5. It shall be lawful for the company to insure any property in this state, within such limitation as the by-laws shall prescribe.

President and officers of board.

§ 6. The board of directors shall elect a president, vice president, secretary and treasurer, who shall hold their respective offices for one year and until others are chosen. The board of directors may, also, appoint an executive committee, from among their own members, and such committee, when the board is not in session, may exercise all the powers vested in this company, except when the company, by its by-laws, may otherwise provide. The board of directors may, also, appoint surveyors, appraisers, agents and such other subordinate officers as they may, from time to time, deem necessary, who shall hold their offices during the pleasure of the board.

§ 7. If it shall happen that the election of directors shall not be held on a day when, pursuant to this act, it ought to have been held, this corporation shall not for that cause be deemed to be dissolved, but it shall be lawful, on any other day, to hold an election of directors—notice of which shall be given, as herein prescribed.

Duties of the directors.

§ 8. The board of directors shall superintend the concerns of said company and shall have the management of the funds and property thereof and of all matters and things not otherwise provided for by said company. They may determine the rates of insurance, the sum to be insured on any building, not exceeding two-thirds of its value, nor one-half of the value of personal estate, and the sum to be deposited for the insurance thereof. They may order and direct the making of all policies of insurance, the providing of books, stationery and other things needful for the office of said company and for carrying on the affairs thereof; and may draw upon the treasurer for the payment of all losses which may have happened or for expenses incurred in transacting the business of said company, and for all purposes authorized by the charter. They shall hold their meetings at such times and at such place as shall be directed by the by-laws of the company, for the transaction of their business, and shall keep or cause to be kept a true record of their proceedings, of all the votes of the corporation and the directors, and of all policies of insurance issued by the company, of all assignments of such policies as shall be as-

sented to by them; which record shall be open to the inspection of any person interested therein.

§ 9. Every person who shall become a member of said company, by effecting insurance therein, shall, before he receives his policy, deposit his promissory note for such sum or sums of money as shall be determined by the directors or company, not exceeding five per cent. upon the amount of the property insured, a part of which note, not less than five per cent. thereof, shall be immediately paid, for the purpose of discharging the incidental expenses of the company and for creating a fund for the payment of future losses; and the remainder of said deposit note shall be payable, in part, or the whole, at any time when the directors shall deem the same requisite for the payment of losses and other expenses or for the purpose of creating a new fund for that purpose, the old funds having become exhausted or insufficient for the payment of said losses or expenses; and, at the expiration of the term of insurance, the said note, or such part thereof as shall remain unpaid, after deducting all losses and expenses accruing during said term, shall be relinquished and given up to the maker thereof, his executor or administrator. And said company may provide, by its by-laws, for a dividend of its surplus funds, from time to time, among the members of said company.

Notes on deposit.

§ 10. The funds of said company, created by the payment of the premium upon the deposit notes or the assessments thereon, may, in the discretion of the directors, be loaned on security or invested in stocks, except so far as the same may be necessary for the payment of the current expenses of the company.

Investment of funds

§ 11. The members of this company shall be and are hereby bound to pay their proportion of all losses and expenses happening and accruing during the time for which their policies were issued, to the amount of their deposit notes and cash premiums, and no more; and the said company shall have a lien on all buildings insured, including all the right, title and interest of the insured in and to the lands on which the said buildings may be situated, as against the insured, for the payment of said deposit notes.

Payment of losses.

§ 12. In case any member of this company shall sell, convey or mortgage the property insured by him, it shall be lawful for such member to assign and deliver to the purchaser or mortgagee his policy of insurance; and such assignee shall have all the benefit of such policy: *Provided*, that before any loss happens he shall obtain the consent of the directors to such assignment, to be certified upon said policy by the secretary of said company; and said company shall not be liable for any loss or damage which may happen to any property after such sale or incumbrance, without the consent of the directors to such assignment; and the directors may, in case of a sale of the property insured, re-

Conveyance of property insured.



quire the surrender of the policy, and shall return to the insured his deposit note, after deducting his just proportion of all expenses and losses prior to such surrender.

Adjustment of  
losses.

§ 13. Any member of this company, who shall sustain any loss or damage by fire, shall give immediate notice thereof to the secretary of the company, at their office; and the directors, upon a view of the same, or in such other way as they may deem proper, ascertain and determine the amount of said loss or damage. In case the member sustaining such loss or damage shall be dissatisfied with the estimate of his loss, made by the directors, on his request the same may be submitted to three disinterested persons, chosen by the parties, whose report shall be conclusive.

§ 14. The directors shall, after having determined the amount of loss or damage sustained by any member, pay to the assured the amount of such loss or damage out of the accumulated funds of the company; and in case there shall not be a sufficient sum of money in the treasury to pay the same, the directors shall proceed to make an assessment upon the deposit notes, for the purpose of paying such loss or damage and creating a new fund for the payment of future losses; and they shall publish the said assessment in such manner as they shall see fit or as the by-laws may prescribe; and the sum to be paid by each member shall always be in proportion to the original amount of his deposit note or notes, and shall be paid to the treasurer, within thirty days after the publication of such notice. The directors may employ a collector, if necessary, to collect such assessment and pay it over to the treasurer; and they shall give to the assured an order on the treasurer, signed by the president and secretary, for the amount of such loss or damage, which must be paid within sixty days from the occurrence of the fire, otherwise the company shall be liable for interest.

Nonpayment of  
notes.

§ 15. If any member shall, for the space of thirty days, after notice of an assessment shall have been given, as mentioned in the preceding section, neglect or refuse to pay the sum assessed upon him, the directors may debar or exclude such member from any benefit of his insurance; and they may, also, in the corporate name of said company, sue for and recover the whole amount of the deposit note, with costs of suit; and the amount thus collected shall remain in the treasury of said company, subject to the payment of losses and expenses, until the next annual meeting of the company, when, if any balance remain, it shall be returned to the party from whom collected, on demand, and the policy be canceled. And suits at law may be instituted and prosecuted by any member against said company for losses or damages by fire, if payment is withheld more than ninety days after said company is duly notified of such losses.

§ 16. In all suits by or against said company any member thereof shall be a competent witness, except in suits in which such member shall be a party, in his individual capacity, provided he be not otherwise disqualified. Suits at law.

§ 17. The records of said company, or copies thereof duly authenticated by the president and secretary, shall be competent evidence in any suit between the corporation and a member or members thereof.

§ 18. At the annual meeting of the company for the election of directors, as provided for in this act, and at other general meetings, which may be held whenever called for by the directors, from time to time, the members of said company may make all by-laws, rules and regulations, necessary for the proper management of the affairs of the company, that shall not be inconsistent with the constitution and laws of this state or of the United States. Rules and by-laws.

§ 19. The operations and business of the company shall be carried on at such place in the town of Jerseyville, county of Jersey, as the directors shall designate or the by-laws of the company provide. Place of business.

§ 20. All policies of insurance issued by this company shall be valid and binding only from the time when the amount of all the sums insured thereby shall reach the sum of fifty thousand dollars.

§ 21. The privileges hereby granted by this act shall continue for the period of thirty years; and this act shall take effect and be in force from and after its passage.

APPROVED February 21, 1861.

AN ACT to incorporate the Mascoutah Savings and Insurance Company. In force February 20, 1861.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That Philip H. Postel, Ausby Fike, Alexander Ross, G. C. Eisenmeyer, Narcisse Penconneau, Elisha Bagsby, Peter Frees, Nathan Land, P. H. Eisenmeyer, Fred Matzanback, John Curtis, T. H. Deichman, B. H. Nelson, Geo. Swaggard, Andrew Eisenmeyer, and Theo. Engleman, and all other persons as shall hereafter become stockholders in this corporation, are hereby created a body politic and corporate, by the name and style of "The Mascoutah Savings and Insurance Company," to be located in the town of Mascoutah, St. Clair county, with power to establish agencies in any other part of said county, or any other county in this state, whenever said corporation may desire so to do. This corporation may continue and be in force until the first day of January, one thousand eight hundred and ninety-six, and shall have pow-

Corporate name and powers.

er to adopt a common seal, and alter the same at pleasure; and in that name and style shall transact and do its business, and have succession; may sue and be sued, answer, prosecute and defend in all courts of justice having competent jurisdiction.

Amount of capital stock.

§ 2. The capital stock of this corporation shall be one hundred thousand dollars, and be divided into shares of fifty dollars each; but this corporation shall be entitled to enjoy all its franchises whenever fifty thousand dollars shall be subscribed and ten per cent. is paid, in cash—the balance secured to the satisfaction of the board of directors, by mortgage on real estate or personal security. No mortgage to be taken for more than two-thirds of the cash value of any real estate. The capital stock of the corporation may be increased, at any time hereafter, to the further sum of three hundred thousand dollars, at the discretion of a majority of the board of directors of said corporation.

Subscriptions.

§ 3. The incorporators named in section one of this act, or any five of them, shall have power to open books, at such time and place, in the town of Mascoutah, and other place, for subscription to the capital stock, as they may appoint, not to exceed nine months from the passage of this act, by giving ten days' notice in one or more newspapers printed in the county of St. Clair that such books will be opened for subscriptions to the capital stock, and that they will remain open until fifty thousand dollars shall be subscribed. And so soon as the sum of fifty thousand dollars is subscribed and ten per cent. is paid, as stated in the preceding section, the incorporation shall, within ten days, proceed to call a meeting of the stockholders, by public notice in some newspaper published in the county of St. Clair, stating the time and place for the stockholders to meet, in the town of Mascoutah, to elect a board of directors. The election of the first board of directors shall be superintended and managed by the incorporators that have acted in opening books for subscription to the capital stock of said corporation.

Custody of money and records.

§ 4. It shall be the duty of the incorporators that have acted in opening books for subscription to the capital stock of this corporation, so soon as a board of directors is chosen by the stockholders, and such board is fully organized, to pay over and deliver unto the board of directors of the company, all moneys collected by them, together with books in which the stock is subscribed, and all other papers in their possession, belonging to said corporation, and may demand and receive from the president and directors such receipt and vouchers, so as to fully relieve them of any further responsibility arising from the trust imposed upon such incorporators by this act. The stock, funds and business of this corporation shall be managed by a board of directors, chosen by the stockholders, which shall consist of not more than nine nor less than five, out of which number shall be chosen



the president. At all meetings of the board of directors, a majority shall constitute a quorum for the transaction of business. At all elections of directors, each shareholder shall be entitled to one vote. Absent shareholders may vote by proxy, the holder of which being a stockholder. All elections shall be by ballot. No person shall be eligible to the office of director, unless a stockholder to the amount of three hundred dollars and a citizen of this state. After the first election there shall be an annual election held for directors, by the stockholders, at such time and place, in the town of Mascoutah, as may be fixed by the by-laws of said company. Directors to hold their offices at pleasure. And vacancies, by death or resignation, may be filled by appointment by the board of directors, until the next annual election.

§ 5. At all annual elections of directors of the corporation the board of directors shall appoint three stockholders who are not of their number or candidates for the then election of directors, who are to act as inspectors of such election, who shall canvass the votes and declare the result; and the persons who shall have received the greatest number of votes shall be directors for the coming year. The board of directors, when elected, shall proceed to elect one of their number president; and in case of death, absence, or disqualification, they shall appoint a president, *pro tempore*, who shall discharge the duties and exercise all the functions of the president. The directors may also appoint a secretary and treasurer, and such other officers or agents as they may think necessary, may define their duties and determine their compensation, and require such security for the faithful discharge of their duties as shall be deemed proper.

Inspectors  
elections. of

§ 6. The corporation hereby created shall have power to make all kinds of insurance against fire, and to make marine insurance upon vessels, boats and water crafts, employed in inland lakes, rivers or canal navigation, produce or property transported thereon, and upon bottomry, respondentia interest, upon all lakes, rivers and inland navigation or transportation, and risks of every kind soever, and upon moneys transported by mail or otherwise.

Insurances.

§ 7. The board of directors shall, so soon as fully organized, adopt by-laws, establish rules and regulations, by which its members shall be governed; which may be altered or amended by them or any subsequent board: *Provided*, that such by-laws, rules and regulations shall not, in any way, conflict with the laws of the state. The board of directors of said corporation may, at any time thereafter, open books for subscription, to fill up such portion or all of the unsubscribed stock, as in their opinion may be of interest to said corporation. The board of directors shall have power to call in such installments of the capital stock, at such times and as they may deem advisable, by first giving 60 days' notice, in some newspaper published in the county of

Rules and by-  
laws.

St. Clair: *Provided*, no such call shall be made to exceed ten per cent. on each share of the capital stock subscribed at any one time, nor oftener than once in sixty days; which amounts, as collected, shall be credited on each individual stock note held by the board of directors.

Paying of install-  
ments.

§ 8. If, after a public call for installment is made, agreeable to the preceding section, any shareholder shall neglect and refuse to pay any such installment called, on the day stated in the notice or for ten days thereafter, the president or such other person that may be authorized by the board of directors may advertise for ten days, by publication, and proceed to sell so much of the stock of such delinquent shareholder, at public auction, to the highest bidder, for cash, and apply the proceeds of the same to the amount called for, first deducting all expenses contingent to such sale. All sales, made in conformity to this act, shall be held good and valid to all intents and purposes: *Provided*, that all balances remaining, if any, shall be held for or paid over to such shareholder.

Real estate.

§ 9. This corporation shall not deal in real or personal estate, property, or merchandise, except so much as may be deemed necessary and for the security of the transaction of its business; and that all real estate acquired in fee by this corporation, by operation of its business, other than what shall be necessary for its occupation, and not held in trust or as security, shall not be held by said corporation longer than five years; and shall then be sold, at either public or private sale, so as to divest the said corporation of all title therein. All deeds, mortgages and bonds made to this corporation, shall be made to the president and directors of said corporation, and their successors in office, and all deeds, mortgages or bonds, for the conveyance of real estate, made and acknowledged by this corporation, shall be made by the president or such other person as the board may appoint; but in no case shall any such deed, mortgage or bond be made by the president or agent of this corporation, without a special order of said board of directors so to do; and, in all cases, such order shall be copied in and made a part of all such deeds, mortgages or bonds.

Mode of insuring.

§ 10. This corporation may conduct its insurance business, in part or entirely, upon the principle of mutual insurance, if preferred by its customers and directors: *Provided*, *always*, that all risks are assessed at their cash value, or its equivalent, when the policy is issued. They may, also, cause themselves to be insured or reinsured against all or any risk upon which they may have made insurance, and also upon all property of every kind, owned or held by them in trust, or on deposit, or as security. This corporation, by the president and directors, are hereby authorized to deposit any portion of their unemployed capital or other funds or assets, owned by said corporation, with any indi-

vidual or corporation, in this state or in any other state, and to use the same as they may think best for the promotion of their business, in order to facilitate exchange, and to do and perform all acts as may be required in the transacting of the affairs of this corporation, which may not conflict with the laws of this state.

§ 11. It shall be lawful for the corporation to receive on deposit, any money, notes, or other evidence of debts, from any individual or person appointed by any court in this state, such as executors, administrators, guardians, conservators or commissioners, or from any city, county or corporation, and to allow for the use of the same, such rates of interest as are now or may hereafter be allowed by the laws of this state; and also authorized to loan, on mortgage or personal security, any of the funds of said corporation to any such individual, person, city, county or corporation, for any term, as may be agreed upon by the president and directors and such parties, for such rates of interest as not to conflict with the laws of this state. All policies of insurance or other engagements of said corporation shall be signed by the president and countersigned by the secretary, with or without seal, and shall be binding upon the corporation. And on all such policies and engagements, held by any individual, company or corporation, in case of loss and refusal to pay such losses or damages, they may, thereupon, maintain an action of debt, covenant or on the case, against this corporation, in any court of this state having competent jurisdiction. Deposits.

§ 12. It shall be the duty of the president and directors of this corporation to make out a complete and perfect statement of the condition and affairs of this corporation and report the same to the stockholders, at their annual meeting, and on the first Monday in April and September in each year; in default of which a majority of the shareholders may demand their immediate resignation, by motion, at the first term of any court of record in the county of St. Clair; and each and every such director shall be subject to a fine of not less than five hundred nor more than two thousand dollars; which may be collected by judgment of court and paid and added to the assets of this corporation. The board of directors shall, on the days stated in this section, in the months of April and September, in each year, make such dividend of as much of the profits of the said corporation as to them shall appear advisable, but in no case shall they declare a dividend that shall impair the capital stock or infringe thereon; and in case of losses, at any time, that shall lessen the capital stock, no dividend shall be made until the same is fully restored to the original amount; nor shall any premiums received be counted as profits until the risk for which it was taken shall have fully terminated. Annual statement



Transfer of stock. § 13. The stock in this corporation shall be considered personal property, and may be transferred, at pleasure, by the owner, on the books of the company; but in no case shall there be any transfer allowed while the holder is indebted to the corporation on the same. The mode of transfer and alienating the stock, and the form of policies, orders, receipts and certificates, or other papers necessary to be used by the company, shall be regulated and determined by the by-laws of the board of directors of the company. The real and personal property of each individual shareholder shall be held liable for any and all liability or loss of the company, to the amount of stock subscribed or held by him or them, not actually paid in, in all cases of loss exceeding the means of said corporation.

Money on depos- § 14. This corporation shall have power to perform the duties and functions of a savings institution, and may receive money, bullion or other valuable commodities and give certificates for the keeping, return, remittance or investment of the same, from any individual, company or corporation, and allow such rate of interest as the board of directors may agree upon, the same not to exceed the rates allowed by the laws of this state: *Provided, always*, that this company shall open and keep separate accounts, called savings, deposit, and trust account, in which all commissions, interest or compensation paid or received shall be kept and entered in the same; and no part of which shall at any time or in any way be used, merged or connected, other than deposited with the other affairs of this company: *Provided, further*, that this corporation shall not use any portion of any such saving, trust funds or deposits of same, in the payment of any loss or losses arising from insurance, in any way; and further, that all such funds and valuable commodities shall not be paid out or removed, except on the order of the president, countersigned by the secretary, or a return of the certificate or obligation given such depositor.

Savings account.

§ 15. This act to take effect and be in force from and after its passage, and be liberally construed, for all purposes therein contained, by the courts of this state: *Provided*, that nothing herein contained shall be so construed as to authorize this corporation to issue bills or notes or other evidence on paper, representing the circulation of money; but may deal in foreign and domestic exchange.

APPROVED February 20, 1861.

AN ACT to incorporate the Merchants' Insurance Company.

In force February  
18, 1861.

SECTION 1. *Be it enacted by the People of the State of Illinois, represent<sup>d</sup> in the General Assembly*, That Frederick Tuttle, Henry W. King, Joel C. Walter, Wm. E. Daggett, John V. Farwell, Calvin C. Parks, Edwin R. Harmon, Chauncey Bowen, Henry C. Durand, Cyrus H. McCormick and Henry W. Hinsdale, their associates and successors, and all such persons as shall become stockholders, be and they are hereby created a body corporate and politic, by the name and style of "The Merchants' Insurance Company." The corporation may have a common seal, and power to appoint all such servants and agents as it may deem necessary; and may make and ordain and establish such by-laws, rules and regulations, for the management of its affairs, as it may think proper, not inconsistent with the laws and constitution of the United States and the state of Illinois, and again, at its pleasure, to amend, alter and repeal the same, and to have process and enjoy all those rights, privileges and immunities, of any and all other like corporations, and to be recognized in all its rights and powers, without pleading the same, in all the courts of the state of Illinois.

Corporate name  
and powers.

§ 2. The capital stock of this company shall be one million of dollars, with power to increase the same to any sum not exceeding five millions of dollars, by a vote of a majority in interest of the paid stock at the date of such vote, which shall be divided into shares of one hundred dollars each, and which shall be deemed personal property and transferable on the books of the company only, under such regulations as may be adopted by the company.

Amount of capi-  
tal stock.

§ 3. When a subscription to the capital stock, of not less than one hundred thousand dollars, shall have been made, and five per cent. thereof actually paid, in cash, the subscribing shareholders may meet and choose a board of nine directors, in whom all the powers of the corporation, not otherwise herein specially limited and provided, shall be vested. The board of directors may choose one of their number a president and another a vice-president, also a secretary and a treasurer, and such other officers and agents as they may deem necessary, and whose qualifications, duties and compensation may be fixed and prescribed in the by-laws, regulations and resolutions of the board of directors, from time to time. The board of directors shall hold their offices for one year, and until their successors are elected and qualified. The term of office of the secretary, treasurer and other employees shall be fixed by the board of directors. The home office of this corporation shall be at the city of Chicago, in Cook county, Illinois.

Board of direc-  
tors.

§ 4. The said company shall have power to make insurance against loss by fire on any and all kinds of property,

Insurances.

houses and fixtures; to make insurances, and take all and any marine risks, and to take all risks and make insurance of lives, and to fix, charge and receive such rates of premium therefor, as may be agreed upon between the parties; and any or either of the risks and insurances, fire, marine or life, may be done upon the mutual or stock principle or upon both together.

Dividends,

§ 5. The corporation may declare dividends; but all dividends shall be applied in payment of the capital stock subscribed until the amount subscribed by each shareholder shall have been paid up, in full, by the dividends declared upon the stock; and so of the stock subscribed, from time to time; and the capital stock may be called in as may be required by the by-laws.

Investment  
funds,

of

§ 6. The company may invest any surplus capital or other money on hand in any kind of stocks or other securities, deemed safe, or in real estate, bonds and mortgages, or may loan the same, at any rate of interest, not exceeding ten per cent., and may discount the interest reserved out of such loan; and they [may] also buy and sell bullion and coin and exchange, notes, bonds, mortgages or other securities. The company may own such real estate as may be needful to transact its business, and may take, hold, sell and convey such other real estate as it may be necessary to secure any loan or debt due, by judgment or otherwise. In all cases of loss, exceeding the property and paid stock of the company, each shareholder shall be liable, *pro rata*, on the amount and to the amount of unpaid stock due from each.

Manner of con-  
ducting the busi-  
ness.

§ 7. Said company may establish agencies, and do all such acts by and through them, according to the powers herein granted, as may be authorized by the by-laws and regulations. The board of directors may fix, determine and prescribe, in the by-laws, the manner of making applications, and the terms and conditions of the policy, and the manner of adjusting losses. The board of directors may prescribe the manner in which the unpaid stock shall be secured. This act shall take effect from its passage.

APPROVED February 18, 1861.

In force February 22, 1861. AN ACT to charter the People's Mutual Fire Insurance Company of Aurora.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That L. D. Brady, Levi Jenks, Albert Huntington, Charles Wheaton, W. V. Plum, Clarke Wilder, W. H. Hawkins, W. B. Allen, F. B. Rice, and all other persons who may hereafter become members of said company, in the manner herein prescribed, be and they hereby are incorporated and made a body poli-*



tic, for the term of twenty years, from the passage of this act, by the name of "The People's Mutual Insurance Company of Aurora," for the purpose of insuring their dwelling houses, stores, shops and other buildings, household furniture and merchandise, against loss or damage by fire, whether the same shall happen by accident, lightning or any other means, excepting that of design in the insured, or by the invasion of an enemy, or insurrection of the citizens of this or any of the United States; and by that name may sue and be sued, plead and be impleaded, appear, prosecute and defend, in any court of record or other place whatever; may have the use of a common seal, may purchase and hold such real and personal estate as may be necessary to effect the object of their association, and the same may sell and convey, at pleasure, provided such real estate shall not exceed one hundred and sixty acres; may make, establish and put into execution such by-laws, ordinances and resolutions, not being contrary to the laws of this state or of the United States, as may seem necessary or convenient for their regulation and government and for the management of their affairs; and do and execute all such acts and things as may be necessary to carry into full effect the purposes intended by the charter.

Name and objects  
of the company.

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

§ 3. That there shall be a meeting of said company at Aurora, in the county of Kane, on the first Tuesday of May, and on such other days as said company may hereafter determine; at which first annual meeting shall be chosen, by a majority vote of the members present and by proxy, a board of directors, consisting of not more than fifteen nor less than nine members, who shall continue in office until others have been chosen and accept the trust in their stead. In all vacancies happening in said board, whether by removing from the state, dying or refusing or neglecting to act, for and during the space of three months successively, then and in every such case another director shall be chosen in place of director so removing, dying, refusing or neglecting to act, as aforesaid, by a majority of the directors present at any monthly meeting; which director, so chosen, shall remain in office until the next general election of directors; and a majority of said board shall constitute a quorum for the transaction of business. At the first regular meeting the board of directors shall class themselves, by lot, into three classes, of an equal number each; the term of whose

Annual election  
of directors.

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. Special meetings of the company may be called by order of the directors, or whenever the owners of one-tenth part of the property insured in said company shall to the directors, setting forth, in writing, the purposes for which a meeting is desired.

Duties of the directors.

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

Construction of building.

§ 5. Whenever the premium notes of said company shall amount to the sum of one hundred thousand dollars, the said directors shall have power to build or cause to be built, for the use of said company a fire proof building, suitable for the transaction of its business and for the preservation of the funds and other property belonging to said company from destruction, by reason or means of fire; and, for the purpose of providing and building, the directors may assess any sum, not exceeding five per cent. of the amount of premium notes aforesaid in any one year.

Property to be insured.

§ 6. The directors may extend the insurance of said company to any part of this state on farm houses and out-houses thereunto belonging, on detached buildings, on brick or stone buildings, whether in blocks or detached, in sums not exceeding five thousand dollars in any one risk, or on goods, wares, merchandise, stocks in trade or household

furniture, in sums not exceeding three thousand dollars in any one risk; all rates to be fixed by the directors of said company, as the justice and equity of the case and interest of the company may require. Insurance shall be made, in all cases, upon the representation of the assured, contained in his application therefor, and signed by him or his agent or attorney; which representation shall, in fairness and good faith, state all the material circumstances, within his knowledge, which may affect the risk: *Provided*, that in case of any loss or damage by fire the valuation of the property at the time of such loss or damage shall be determined by the award of impartial men, as hereinafter provided.

§ 7. Books of account, written securities or evidences of debt, title deeds, manuscripts or writings of any description, money or bullion, shall not be deemed or taken to be objects of insurance in said company. Curiosities, jewels, medals, musical instruments, plate, paintings, sculpture, statuary, watches, gold or silver ware, of any kind, shall not be included in any policy of insurance, unless those articles, or any of them, form a part of the usual and regular stock in trade of the assured, or are particularly specified in the policy.

Insurance of  
notes, records,  
jewelry, &c.

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

Premium notes.

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

§ 10. In case of any loss or damage by fire happening to any member, upon property insured in and with said company, the said member shall give notice thereof, in writing, to the secretary of said company, within thirty days from the time such loss or damage may have happened; and the directors, upon a view of the same or in such other

Adjustment of  
losses.



way as they may deem proper, shall ascertain and determine the amount of said loss or damage; and if the party suffering is not satisfied with the determination of the directors the question may be submitted to referees, or the said party may bring an action against said company for said loss or damage, at the next court to be holden in and for the city of Aurora or in the Kane county circuit court, within ninety days, and not afterwards. If, upon trial of said action, a greater sum shall be recovered than the amount determined upon by the directors the party suffering shall have judgment therefor against said company, with interest thereon from the time said loss or damage happened, and costs of suit; but if no more shall be recovered than the amount aforesaid the said party shall become nonsuit, and the said company shall recover their costs: *Provided, however,* that the judgment last mentioned shall in no wise affect the claim of said suffering party to the amount of loss or damage, as determined by the directors aforesaid: *And, provided, also,* that execution shall not issue on any judgment against said company until after the expiration of three months from the rendition thereof.

Adjustment of  
losses.

§ 11. The secretary shall, after receiving notice of any loss or damage by fire, sustained by any member, and ascertaining the same, or after the rendition of any judgment, as aforesaid, against said company, for such loss or damage, settle and determine the sums to be paid by the several members thereof, and their respective proportion of such loss, and publish the same in such manner as they shall see fit or as the by-laws may have prescribed; and the sum to be paid by each member shall always be in proportion to the original amount of his or her premium note or notes, and shall be paid to the treasurer within thirty days next after the publication of said notice; and if any member shall, for the space of thirty days after such notice, neglect or refuse to pay the sum assessed upon him or them, as his, her or their proportion of any loss, as aforesaid, in such case the directors may sue for and recover the whole amount of his, her or their deposit note or notes, with costs of suit; and the money thus collected shall remain in the treasury of said company, subject to the payment of such losses and expenses as have or may hereafter accrue, and the balance, if any remain, shall be returned to the party from whom it was collected, on demand, after thirty days, for the term for which insurance was made.

Nonpayment of  
assessments.

§ 12. That any person or persons who are or shall become members of said company, by effecting insurance therein, their heirs, executors, administrators or assigns, shall neglect or refuse the payment of any assessment or assessments duly ordered by the directors of said company, for the term of thirty days, after the same shall have become payable, agreeable to public notice by the treasurer, the par-

ty so in default shall be excluded and debarred, and shall lose all benefit and advantage of his, her or their insurance or insurances, respectively, for and during the term of such default or nonpayment, and, notwithstanding, shall be liable and obliged to pay all assessments that shall be made during the continuance of his, her or their policies of insurance.

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

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

§ 15. That the directors of said company be and they are hereby authorized to pay all losses at only one uniform period, in each year, subsequent to the annual assessment. Said directors are hereby empowered to rebuild or repair any house or houses that may be damaged or destroyed by fire, within a reasonable time, provided they elect to do so and do not lay out or expend in such building or repairs more than the sum insured on the premises.

Rebuilding and  
repairs of houses

§ 16. When real or personal property insured by said company shall become alienated by sale, by change in partnership or ownership, or otherwise, the policies issued thereon shall be void, and shall be surrendered to said company, to be canceled; and the company shall not be liable for any damage or loss which may happen to any property after such alienation, as aforesaid, unless the policies issued thereon shall have been duly assigned or confirmed, by the con-

sent of the directors, to the actual owner or owners thereof previous to such loss or damage. And no policy issued by said company shall be deemed to have been duly assigned or confirmed, unless the consent of the directors to such assignment or confirmation is certified on such policy by the secretary of said company.

Alterations in  
buildings in-  
sured.

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

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

Banking privi-  
leges.

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

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

Annual assess-  
ment.

§ 21. The directors of said company shall not make more than one assessment for losses in any one year; and in case it shall become necessary to resort to the lien on the property insured the treasurer shall demand payment of the insured or his legal representative and of the tenant in possession, and, in case of nonpayment, said company may sustain an action on the deposit note, and their execution may be levied on the insured premises, and the officer making the levy may sell the whole or any part of the es-



tate at auction, giving notice and proceeding in the same manner as is required in sales under execution, or may proceed in equity, at the option of the company.

§ 22. In all suits by or against said company any member of said company shall be a competent witness, except in suits in which he or she shall be directly a party: *Provided*, that such person shall not be otherwise disqualified.

§ 23. The record of said company or copies thereof, duly authenticated by the signatures of the president and secretary, shall be competent evidence in any suit in which said company may be a party.

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

§ 25. It shall be the duty of the directors to make an annual statement of the affairs of the company and publish or cause the same to be published in one or more newspapers in Kane county.

§ 26. The individuals named in the first section of this act shall be and they are hereby constituted a board of directors for said company, to serve as such until the first annual election of directors therein provided for. They shall have power, if they think fit, to make up their number to fifteen, as allowed in the third section of this act, from among the members of said company; and all vacancies which may occur in said board, by death or otherwise, may be filled by the remaining members of said board; and a majority of their number, at any time, shall constitute a quorum for the transaction of business. They may call the first meeting of the members of said company, at any suitable time and place, in the city of Aurora, by advertisement in a newspaper of the place, giving at least ten days' notice. They may make and establish by-laws for the government of said company until the first annual meeting thereof, and may transact any business necessary to carry into effect the powers and intentions of this act: *Provided*, that no policy shall be issued by this company until applications for insurance to the amount of fifty thousand dollars have been made to said company; which fact shall be ascertained by the president and secretary's oath, before some notary public in the city of Aurora, and published in the newspaper of said city. First board of directors.

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

APPROVED February 22, 1861.

In force February 22, 1861. AN ACT to amend an act entitled "An act to incorporate the Quincy Savings and Insurance Company," approved February 12th, 1853.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the name of the Quincy Savings and Insurance Company be and the same is hereby changed to that of "Quincy Savings Bank." But under said original corporate name said company may conduct their insurance business; and, in such case, in all proceedings arising out of the same, may sue and be sued, contract and be contracted with, by and in said original name; and, in all cases, securities, of whatever nature, made or to be made to or for the benefit of said corporation, by whatever name, shall be effectual, according to their import, and whether made to secure existing, running or contemplated liabilities; and the recording of such securities shall give them effect against all persons.

APPROVED February 22, 1861.

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In force February 16, 1861. AN ACT to amend the charter of the Rock River Mutual Fire Insurance Company.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* The name of the Rock River Mutual Fire Insurance Company is hereby changed to "The Rock River Insurance Company;" by which name it may hereafter be known and distinguished.

Real estate,  
bonds, &c.

§ 2. For the better security of policy holders the said company may receive guarantee notes or mortgages on real estate, to be approved by the board of directors or by the executive committee thereof, to the amount of one hundred thousand dollars; the makers whereof shall be paid, in consideration of such guarantee, a compensation, to be determined by the board of directors or executive committee, but not to exceed ten per cent. per annum. Such notes or mortgages shall be entitled to representation in the election of directors, in the ratio of one vote for every one hundred dollars, and shall be liable for the losses and expenses of the company whenever the cash premiums and premium notes are insufficient to pay the same. Scrip certificates may be issued for such guarantee funds, transferable only on the books of the company.

§ 3. Any person applying for insurance in said company, so electing, may pay a definite sum in money, to be fixed by said company, in full for said insurance, in lieu of a premium note, and shall not be liable to the payment of any further sum.

§ 4. Nothing in this act contained shall in any wise be construed to impair or interfere with any contracts or indebtedness, due or to grow due, to or from the corporation created by the act to which this is an amendment.

§ 5. This bill to take effect on and after its passage.

APPROVED February 16, 1861.

AN ACT incorporating the Rock Island Insurance Company.

In force February  
22, 1861.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That William Bailey, Henry C. Blackburn, Napoleon B. Buford, Ben. Harper, Reuben Hatch, Charles Buford, Herman Field and Philomen L. Mitchell, be and they are hereby created a body politic and corporate, under the name and style of "The Rock Island Insurance Company, of Rock Island;" and, as such company, shall have perpetual succession, and shall have power to sue and be sued, plead and be impleaded unto, answer and defend, in any and all the courts of law and equity in this state. Name.

§ 2. The capital stock of said company shall be five hundred thousand dollars, to be subscribed and paid for in the following manner: Any three of the above named persons are hereby authorized to open books of subscription, in the city of Rock Island, at such time and place as they may think proper, after having given twenty days' notice of the same in any of the newspapers published in said city, and shall keep the said books open at least three days, and until one hundred shares shall be subscribed, when they shall give six days' notice, by publication, as aforesaid; and the subscribers to the capital stock shall meet and choose five directors, who shall reopen the subscription books, to remain open until the entire capital stock shall be subscribed. Amount of capital  
stock.

§ 3. The subscribers to the capital stock of said company, their successors and assigns, may have and use a common seal, which they may alter and change at pleasure; may also make, establish and put in execution such by-laws, ordinances and regulations as shall, in their opinion, be necessary to the good government and management of the affairs of the company, not repugnant to the laws and constitution of this state. Corporate pow-  
ers.

§ 4. The corporation hereby created shall have full power and authority to take all marine risks of any kind and nature whatsoever, and to make insurance upon inland navigation and transportation against losses by fire, and of buildings and all other property whatsoever, and to make all kinds of insurances upon lives, and all such insurances as they may Marine risks.



deem proper; and also to receive money on deposit and to loan the same, and also their surplus or unemployed capital or money, on personal, real or other security, at such rates of interest as shall be allowed by the laws of this state, and to lend, upon respondentia and bottomry, to companies, corporations and individuals, upon such security as they shall think proper. They may also cause themselves to be insured or reinsured against any or all risks upon which they may have made insurance, and also upon all property, of every kind, or any interest therein, owned by said company or held by them as security; and, in general, to do and perform all necessary matters and things relating to or connected with these objects, or, either of them.

Payment on sub-  
scriptions to  
stock.

§ 5. The payment of the capital stock subscribed for shall be as follows: At the time of subscribing there shall be paid the sum of one dollar upon each share so subscribed; and the balance due upon each share shall be subject to the call of the directors, under such penalties as its board of directors may appoint and order, and shall be secured to be paid, on demand, by approved notes, hypothecated stocks, mortgages on real estate, or other satisfactory security.

Directors.

§ 6. The affairs of said company shall be managed by five directors, who shall be stockholders, and shall be chosen annually, by the stockholders, at such time and place, in the city of Rock Island, as the first five directors above chosen may direct; and shall hold their offices for one year, and until their successors are chosen. Ten days' notice of such election shall be given, by publication, and shall be held under the inspection of three stockholders, previously selected for the purpose by the directors, and shall be made by ballot, by a plurality of the stock represented, allowing one vote for every share; and stockholders not personally present may vote by proxy, made in writing, directly to the persons representing them at such election. In case that it shall happen, at any time, that an election of directors should not be made on any day when, pursuant to this act, it should have been made, the said company shall not be dissolved for that cause, but it shall be lawful to make and hold such election on any other day.

President.

§ 7. The directors of said company shall, as soon as may be after their election, in each year, proceed to choose out of their body one person to be president, whose duty it shall be to sign all policies of insurance, contracts, certificates and other contracts, in writing, of said company; which said contracts, policies and certificates shall be countersigned by the secretary. Any three directors, so chosen, as aforesaid, shall be a quorum to do business, and shall choose a secretary for such length of time and for such salary as they shall see fit; and may also appoint such

clerks and other servants as they may think proper, to assist in the performance of the duties of said company.

§ 8. The stock of said corporation shall be considered personal property, and shall be assignable and transferable, according to such rules and restrictions as the board of directors shall, from time to time, make and establish. The said corporation may purchase, hold, sell and convey, at their pleasure, all such real estate as may be deemed necessary for the transaction of its business, not exceeding, at any one time, thirty thousand dollars; and to take and hold any real estate, mortgaged or pledged as security for the payment of any debt due or that may become due to it; and also to purchase, on sale, in virtue of any judgment at law or decree in court or equity, or otherwise, and to take and hold any real estate or other property in payment or towards satisfaction of any debt due to said company, and hold the same until they can advantageously dispose of the same for money.

Transfer of  
stock.

§ 9. The said company shall have full power and authority to deposit any portion of their unemployed capital or other funds, at any time in their possession, with any corporation, company or individual, in any section of the United States, and to use the same as they may think proper, in order to facilitate exchanges and to do and perform all such acts and things as may be requisite in all such transactions, and for the best interests of said corporation.

Use of funds.

§ 10. This act is hereby declared a public act, and the same shall be construed liberally for the beneficial purposes herein granted, and the corporation hereby created shall take effect and be in force from and after the passage thereof.

APPROVED February 22, 1861.

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AN ACT to amend an act entitled "An act to incorporate the Stephenson County Mutual Fire Insurance Company," approved February 12th, 1853. In force February 20, 1861.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That it shall be lawful for the Stephenson County Mutual Fire Insurance Company, for the better security of policy holders in said company, to add a stock capital of not less than fifty thousand dollars, divided into shares of one hundred dollars each, which may be increased to four hundred thousand dollars. The stock shall be deemed personal property, and transferred only on the books of the company; and no stockholder shall be permitted to transfer his stock while he is indebted to the corporation.

Amount of capi-  
tal stock.

Subscription  
stock.

§ 2. The executive committee of said company are hereby appointed commissioners for procuring said stock capital; and when fifty thousand dollars shall have been subscribed and one dollar on each share of stock paid on subscription to said commissioners, they shall call a meeting of the directors of said company, when the directors shall vote for the amendment or against the amendment; and if a majority shall vote for the amendment said company shall be entitled to all the benefits of the provisions of this act.

§ 3. When the board of directors shall have accepted this amendment, as provided in section two, they shall call in, by personal or public notice, of at least ten days, such an amount of the stock capital as they may deem expedient, not exceeding nine dollars on each share, which, together with the amount paid to the commissioners, shall constitute the first installment on the stock capital, and shall require the residue of said stock to be secured by good and legal stock notes, secured to the satisfaction of the executive committee of said company; and if, at any time, the directors or executive committee shall consider any of the stock notes insecure they shall have power to require additional security on the same, after notice, under such penalties and forfeitures as they may provide in their by-laws.

Capital stock.

§ 4. The capital of said company shall consist of the capital stock and the premium notes held by said company as part consideration of policies of insurance, issued by said company; and said company may issue policies of insurance, not exceeding one-tenth the amount of the capital of said company in any one risk, and charge and receive such premiums therefor as may be agreed by and between the parties, either upon the mutual or stock principle, or both, and may cause themselves to be reinsured against any risk on which they have made insurance.

Suits at law.

§ 5. Suits at law may be maintained by this company by a member or members against any of its members or stockholders; and suits may also be maintained by any member or stockholder against this company; and in any suit against this company any member or stockholder shall be admitted as a competent witness for and in behalf of this company, except in suits in which he or she shall be directly a party.

Premium notes.

§ 6. Whenever an assessment is made on any premium note given to this company for any risk taken by this company, or as a consideration for any policy issued or to be issued by this company and an action is brought for the recovery of such assessment or note the certificate of the secretary of said company, under the seal thereof, specifying such assessment or note and the amount due said company on such note or notes, shall be taken and received as *prima facie* evidence thereof, in all courts and places whatsoever.



§ 7. Every person or persons insured in and by said company, upon the mutual plan, shall be deemed members of said company; but those insured upon the stock plan shall not be members. So much of the act to which this is an amendment as is inconsistent with this act be and the same is hereby repealed.

§ 8. At the election for directors each member shall be entitled to one vote for each mutual policy held, and in force, by him, her or them; and each stockholder shall be entitled to one vote for each share of stock held by him, her or them, either in person or by proxy; but said company may determine, by their by-laws, the amount of evidence to be required in the execution of proxies. The directors shall be stockholders at the time of their election and residents of this state, and shall hold their office until others are chosen to supply their places.

Elections and voting.

§ 9. The directors shall, after receiving notice of any loss or damage upon property insured in and with said company or after the rendition of any judgment against said company, for such loss or damage, provided the cash fund received for insurance by the said company in the class in which said loss or damage occurred should not be sufficient to pay said loss or damage, the directors shall settle and determine the sums to be paid by the several members belonging to the class in which the loss occurred as their respective proportion of such loss or damage; and the sum to be paid by each member shall be in proportion to the original amount of his, her or their premium note or notes; and in case the cash premiums, together with the premium notes received for insurance, shall not be sufficient to pay all losses and expenses, in either class or department, the stock capital shall be applied to make up the deficit; and in case of any loss or losses, whereby the stock capital of said company shall be lessened before all installments are paid in, each stockholder's estate shall be held accountable for the installments that remain unpaid on his, her or their share or shares at the time of such loss or losses taking place, and no more; and no subsequent dividend shall be made until the sum arising from the profits of the business or additional installments on the stock capital shall be paid said company, equal to such diminution. Any director, agent or other person who shall collect or receive any money or other valuables and shall not account for and pay over the same, when requested by said company, any such director, agent or other person, on conviction of the same, shall be deemed guilty of embezzlement.

Adjustment of losses.

§ 10. The corporate name of this company shall hereafter be "The Stephenson Insurance Company;" and by that name and style shall be capable in law or equity of pleading and being impleaded; and shall have perpetual succession, in all cases, courts and places whatsoever. All

Corporate name.

premium notes or other demands or judgments payable to or in favor of the Stephenson County Mutual Fire Insurance Company shall be and are hereby made payable to the Stephenson Insurance Company, but nothing herein contained shall affect the rights or privileges of those insured in said company before the passage of this act or impair the obligation of any contracts made or entered into by and with said original corporation.

Real estate.

§ 11. Said corporation may purchase and hold such real estate as may be convenient for the transaction of its business, and also to have and hold any real estate as security; by mortgage or otherwise, to secure the payment of debts, due in good faith to said company, either for shares of stock, capital or otherwise; also to purchase real estate, at any sale, in virtue of any judgment at law, decree in equity, or deeds of trust, in favor of said company.

Dividends.

§ 12. It shall be lawful for said company to make dividends of the interest received from the investment of their stock capital or cash surplus, also to make dividends of so much of their profits arising from the business of said company as to them shall seem advisable.

Board of directors.

§ 13. The affairs of said company shall be managed by a board of directors, consisting of not more than forty nor less than five stockholders; and said company may determine, by their by-laws, the number of directors that shall constitute a quorum for the transaction of business.

Taxes.

§ 14. The capital paid in on the stock and the real and personal property of said company shall be liable for the payment of taxes in the town or city where the same may be located; but no stockholder shall be liable for the payment of taxes on the same stock held by him which shall have been assessed to said company. This amendment shall be void and of no effect, unless the stock capital shall be taken and the amendment accepted, as provided in section two of this act, within two years after the passage of this act. All process against said company shall be served upon the president or secretary of said company. The records of said company or copies thereof, duly authenticated, by the signature of the president and secretary, shall be competent evidence in any suit in which said company may be a party.

§ 15. This act and the act to which this is an amendment shall be and they are hereby declared to be public acts; and the same shall be construed liberally, for all the purposes therein granted. This act shall take effect and be in force from and after its passage.

APPROVED February 20, 1861.

## AN ACT to incorporate the Tornado Insurance Company.

In force February  
22, 1861.

WHEREAS our state and county has, during the last few years, been visited with extensive and destructive tornadoes, destroying large amounts of property for our citizens; and whereas there are no insurance companies doing business in this state, organized for the purpose of issuing policies of indemnity against loss by tornadoes, storms and wind; therefore,

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That Loyal L. Munn, James Mitchell, George F. De Forest, Henry H. Taylor, Thomas J. Turner and John R. Lemon, and their associates, successors and assigns, be and they are hereby incorporated into a body corporate and politic, by the name and style of "The Tornado Insurance Company," and for the term of fifty years, from the passage of this act, for the purpose of insuring buildings and other property against loss or damage by tornadoes, storms and wind; and by that name may sue and be sued, plead and be impleaded, appear, prosecute and defend, in any court of record, or other place whatsoever; may have and use a common seal; may purchase and hold such real and personal estate as may be necessary or convenient to effect the objects of their association, and they may sell and convey the same, at pleasure; and may make, establish and put in execution such by-laws, ordinances and resolutions as may seem necessary or convenient for their regulation any government and for the management of their affairs; and do and execute all such acts and things as may be necessary to carry into full effect the purposes intended by this charter.

Name, objects  
and privileges.

§ 2. That all and every person or persons, who shall at any time become interested in said company, by insuring therein, and also their respective heirs, executors, administrators and assigns, continuing to be insured therein, shall be deemed and taken to be members thereof, for and during the term of five years, from the date of the commencement of their respective policies, and shall be bound to pay their proportion of all losses and expenses, as hereinafter provided; but any member may, at any time, surrender his policy and have the same canceled, by paying his proportion of all losses and expenses up to the time of such surrender, and be released from any further liabilities.

Members of the  
company.

§ 3. Each member of said company shall, at the time of applying for insurance, pay forty cents on each one hundred dollars insured, and is also hereby bound to pay his proportion of all losses and expenses happening or accruing in and to said company during the time specified in their respective policies: *Provided, however,* that such losses and expenses shall not exceed ten per cent. of the amount insured, in addition to the forty cents on each one hundred

Amount to be  
paid in.



dollars paid at the time of insuring. And all buildings insured by and with said company, together with the right, title and interest of the insured to the lands on which they stand, shall be pledged to said company; and the said company shall have a lien thereon, against the assured, during the continuance of his, her or their policies, for the payment of his, her or their proportion of the losses and expenses aforesaid.

Sale of insured property.

§ 4. When any property insured by this company shall be alienated, by sale or otherwise, this policy shall thereupon be void; but in such cases it shall be lawful for such assured to assign and deliver to the purchaser or purchasers such policy of insurance, and such assignee or assignees shall have all the benefits of such policy, and may bring and maintain a suit thereon, in his, her or their own names: *Provided*, that before any loss happens he, she or they shall obtain consent, in writing, of the secretary of said company to such assignment, and have the same indorsed on or annexed to the said policy of insurance.

Capital stock.

§ 5. The capital stock of said company shall consist of the ten per cent. lien said company has, by virtue of this charter, against the members thereof.

§ 6. The board of directors may invest and employ the funds of said company in such a way and manner as the interest and welfare of the company may require: *Provided*, they do not engage in any banking operations.

Place of business.

§ 7. The business of said company shall be carried on at such place in the city of Freeport as the directors may determine, and at such other places, by agency, as said company may elect.

Manner of making insurances.

§ 8. Said company may insure property at its full cash value, and if the property is not insured at its full cash value this company shall not be liable to pay any greater proportion of the loss or damage than the amount insured thereon shall bear to the whole value of the property insured and at risk at the time of the loss or damage; but if insured at its full cash value said company shall pay the full amount of the loss or damage within or at the end of ninety days after the receipt of full and satisfactory proofs; or said company may rebuild or repair the building or buildings, within a reasonable time, and replace the articles lost or damaged with others of the same kind and equal goodness, by giving notice of their intentions so to do within thirty days after having received the preliminary proofs of the loss; and if the party is not satisfied with the determination of the directors in relation to his, her or their loss, he, she or they shall bring an action against said company for said loss or damage, at the next court to be holden in and for the county of Stephenson, and not afterwards, unless said court shall be holden within sixty days after said determination; but if holden within that time then at the next

court holden in said county thereafter; and if upon trial of said action a greater sum shall be recovered than the amount determined upon by the directors the party suffering shall have judgment therefor against said company; but if no more shall be recovered than the amount aforesaid the said party shall become nonsuit, and the said company shall recover their costs: *Provided, however*, that the judgment last mentioned shall in no wise affect the claim of said suffering party to the amount of loss or damage, as determined by the directors aforesaid: *And, provided, also*, that execution shall not issue on any judgment against said company until after the expiration of three months from the rendition thereof. All process against said company shall be served upon the president or secretary of said company.

§ 9. The business of said company shall be managed by a board of directors, of not less than seven nor more than sixty; and, when said board shall consist of over twelve, seven shall form a quorum for the transaction of business. The individuals named in the first section of this act shall be and they are hereby constituted a board of directors for said company, to serve as such until the first election of directors, as herein provided for. They shall, if they think proper, have power, at any time, to make up their number to sixty. And all vacancies which may occur in said board, by any cause, may be filled by the remaining members of said board; and they may transact any business necessary and proper to carry into effect the provisions and intentions of this act: *Provided, however*, that no policy shall be issued by said company until application has been made for insurance in said company on at least fifty thousand dollars worth of property.

Board of directors.

§ 10. In default of the payment of any assessment which may be made upon the insured, or in case of the assignment of the policy, upon the assignee for thirty days, after notice shall have been given to the insured of such assessment, either personally or by depositing such notice in some post office, addressed to the insured or the assignee or assignees of the insured, at his, her or their postoffice address, then the policy shall be of no force or effect so long as such assessment shall remain unpaid. Whenever an assessment is made and an action is brought for the recovery of such assessment the certificate of the secretary of the company, under the seal thereof, specifying such assessment and the amount due the company by means thereof, shall be taken and received as *prima facie* evidence, in all courts and places whatsoever.

Nonpayment of assessments.

§ 11. The directors of said company may, whenever the ten per cent. lien upon the property insured with said company shall amount to one hundred thousand dollars, or before, if it should be thought expedient, build or cause to be built or procure, for the use of said company, a fire proof

Construction of buildings.

building, suitable for the transaction of business and for the preservation of the funds and other property belonging to said company from destruction, by reason or means of fire; and, for the purpose of providing said building, the directors may assess the members of said company, not exceeding one-fifth of one per cent., on the amount insured in any one year; and it shall be the duty of the directors to keep said building in proper repair, and to renew the same, in whole or in part, as they may think necessary or expedient.

Annual meeting.

§ 12. There shall be a meeting of said company at Freeport, in the county of Stephenson, and state of Illinois, on the first Monday of January, annually, or on such other day as the directors may hereafter determine, at which first annual meeting shall be chosen, by a majority of the votes cast, either by the members present or by proxy, a board of directors, consisting of not more than sixty nor less than seven, as the directors of said company shall before determine; which directors, so chosen, shall continue in office until others have been chosen and accepted the trust, in their stead; and at such election each member shall be entitled to one vote for each one hundred dollars by him, her or them insured, either in person or by proxy. In all vacancies happening to said board, whether by removing from the state, dying, refusing or neglecting to act for and during the space of three months, successively, then and in every such case another director may be chosen in the place of each director so removing, dying, refusing or neglecting to act, as aforesaid, by a majority of the directors present at any regular meeting. At the first regular meeting the board of directors shall class themselves, by lot, into three classes of an equal number each, the term of whose service shall respectively expire as follows: the first class in one year, the second class in two years, and the third class in three years; and they shall hold their office until their successors are elected.

Vacancies in office.

§ 13. Said company may make insurance for five years; and any policy of insurance issued by said company, signed by the president and countersigned by the secretary, shall be deemed valid and binding on said company, in all cases where the insured has a title, in fee simple, unincumbered, to the building or buildings insured and to the land on which the same stand and has the absolute, unqualified ownership of the other property insured. But if the insured has a less estate therein or if the premises be incumbered the policy shall be void, unless the true title of the insured be expressed therein.

Officers of the board.

§ 14. The board of directors shall elect a president, vice president, secretary and treasurer, who shall hold their respective offices one year and until others are elected in their places; and they shall also have the power to appoint



subordinate officers and to fix their compensation, define their powers and prescribe their duties.

§ 15. In all suits, by or against said company, any member of said company shall be a competent witness, except in suits at law. suits in which he or she shall be directly a party, provided that such person shall not be otherwise disqualified.

§ 16. The directors of said company shall make an annual report of the business and standing of said company, a copy of which shall be furnished the general assembly. Annual state-ment.

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

APPROVED February 22, 1861.

AN ACT to amend an act entitled "An act to incorporate the Union Insurance and Trust Company. In force February 22, 1861.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the Union Insurance and Trust Company may transact the business of marine and inland insurance, charging and receiving premiums therefor, as may be agreed upon; that any part of the business of said company may be transacted in the county of Cook as well as in the county of Union; and the principal office of said company may, if the directors so choose, be located in Chicago; and that the capital stock of said company may be increased to five hundred thousand dollars. Place of business

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

APPROVED February 22, 1861.

AN ACT to incorporate the Winnesheik Insurance Company.

In force February 18, 1861.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That from the time this act shall take effect, J. Wilson Shaffer, Smith D. Atkins, W. S. Gray and Charles L. Currier, and all other persons who may hereafter associate with them, in the manner herein prescribed, shall be a body politic and corporate, by the name and style of "The Winnesheik Insurance Company;" and by that name may sue and be sued, appear, prosecute and defend, in any court of record or other court Corporate name and powers.

or place whatsoever; may have and use a common seal, and alter and renew the same at pleasure; may purchase and hold such real and personal estate as may be necessary to effect the objects of their corporation and association, and sell and convey the same, at pleasure; may make and establish such by-laws, ordinances and resolutions, not being contrary to the laws of this state or of the United States, as may seem necessary or convenient for their regulation and government and for the management of their affairs; and do and execute such acts and things as may be necessary to carry into effect the purposes in this act.

Directors.

§ 2. All persons who shall at any time be insured in this company shall be members thereof, during the continuance in force of their respective policies, and no longer, and shall, at all times, be bound by the provisions of this act.

§ 3. The affairs of said company shall be managed by a board of directors, to consist of not less than five nor more than fifteen members, as may be regulated by the by-laws of said company. Said directors shall be chosen, by ballot, from among the members of said company; and a majority of the whole board shall constitute a quorum for the transaction of business. The executive committee of said company shall possess all the powers of the board of directors, when the board is not in session.

Officers of the board.

§ 4. The board of directors shall elect a president, vice president, secretary and treasurer, who shall hold their respective offices for one year, or longer, as may be prescribed by the by-laws of said company, and until others are chosen in their places. The board of directors shall also appoint an executive committee, to consist of three directors. Subordinate officers, agents and examiners may be appointed by and in the manner prescribed by the by-laws of said company.

§ 5. This company may make insurance on all descriptions of property against loss or damage by fire, lightning, wind and the risks of inland navigation and transportation, and may cause themselves to be reinsured upon the whole, or any part, of any risk on which they may have made insurance.

Rates of insurance.

§ 6. The rates of insurance shall be fixed by the board of directors or executive committee of said company. Premium notes may be received from the insured; which shall be paid at such time or times and in [such] sum or sums as the directors shall require for the payment of losses and expenses. Any person applying for insurance may pay a definite sum of money, in full for said insurance, and in lieu of a premium note. The cash premiums, together with the premium notes, shall constitute the capital stock of said company, which may be increased by a guarantee capital, as hereinafter provided.

§ 7. The directors of said company may levy an assessment upon the premium notes, at any time they may deem it necessary for the payment of losses and expenses. Assessments.

§ 8. The members of this company shall be and are hereby bound to pay their proportion of all losses and expenses happening and accruing during the time for which their policies were issued and in force and to the amount of their premium notes, and no more; and said company shall [have] a lien on all buildings insured, including the rights, title and interest of the insured to the lands on which said buildings are situated, for the payment of said premium notes. Payment of losses.

§ 9. All statements made in any application for insurance shall be binding upon the insured and a warranty upon his, her or their part.

§ 10. Whenever any assessment is made upon any premium note given to said company, and the maker thereof shall neglect or refuse to pay the amount claimed by said company for the space of thirty days after notice of such assessment, which notice shall be given in the manner prescribed by the by-laws of said company, his, her or their policy shall become null and void and of no effect, and action may be brought at law, for the whole amount of premium note; and in case an action is brought for the recovery of any assessment due said company the certificate of the secretary of said company, stating the amount of such assessment, shall be taken and received as *prima facie* evidence in all courts and places whatsoever. Nonpayment of assessments.

§ 11. The persons named in the first section of this act shall be and they are hereby constituted a board of directors for said company, to serve as such until the first annual election of directors herein provided for and until others are chosen. The directors of said company shall be elected on the first Monday in June, of each year; and such election shall be held at the office of said company, at such hour of the day as the directors or executive committee of said company may appoint. Such election shall be held under the inspection of three members of said company, to be appointed previous to every election, by the executive committee of said company. Such election shall be made by a plurality of the votes of the members present or their proxies, allowing one vote for each policy held and in force or share of guarantee stock held. The directors or executive committee are hereby authorized, at any of their meetings, to provide a form for the appointment of proxies, and to specify the evidence that may be required of the execution thereof. Election of directors.

§ 12. All meetings of the board of directors and executive committee to be called in the manner prescribed by the by-laws of said company.

§ 13. This company shall have power to issue policies for any term of years, not exceeding ten.



Secretary and  
deputy.

§ 14. The secretary of said company may appoint a deputy, whose powers shall be set forth in his certificate of appointment and entered upon the record books of said company.

Investments.

§ 15. The said company, through its officers or board of directors, may invest, loan and employ the funds of the company, in such way and manner as they may judge that the interest and welfare of the company may require; but nothing contained in this act shall be so construed as to allow this company any banking privileges, or issue any certificates of deposit, to circulate as money or currency.

Home office.

§ 16. The home office of said company shall be in the city of Freeport, in the county of Stephenson, and state of Illinois. Said company may do business in any other place, by agency.

§ 17. If it shall so happen that the election of directors of said company shall not be held on the day when, pursuant to this act it ought to have been made or held, this company, for that cause, shall not be deemed to be dissolved, but it shall be lawful, on any other day, to make and hold an election, notice of which shall be given in a manner prescribed by the by-laws of said company.

Mortgages, &c.

§ 18. For the better security of policy holders the said company may receive guarantee notes or mortgages on real estate, to be approved by the board of directors or by the executive committee thereof, to the amount of one hundred thousand dollars, the makers whereof shall be paid, in consideration of such guarantee, a compensation, to be determined by the board of directors or executive committee, but not exceed ten per cent. per annum. Such notes or mortgages shall be entitled to representation in the election of directors, in the ratio of one vote for every one hundred dollars, and shall be liable for the losses and expenses of the company, whenever the cash premiums and premium notes are insufficient to pay the same. Scrip certificates may be issued for such guarantee fund, transferable only on the books of the company.

§ 19. This act shall be deemed a public act, and be liberally construed for the purposes therein mentioned, and be in force on and after its passage.

APPROVED February 18, 1861.

In force February  
21, 1861.

AN ACT to incorporate the Harrisonville Levee and Drainage Company.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That the owners of land, and those who may become such, in that*

portion of the American Bottom, in Monroe county, lying and being situate in all that district of the said American Bottom included in the metes and bounds following, that is to say: Beginning at the bluff, on the north boundary line of section No. 6, in township No. 2 south, of range No. 10 west; thence, northwestwardly, to the Mississippi river, at a point two miles north of the place of beginning; thence, down the said river, on the east bank thereof, to a point one mile below the south boundary line of claim No. 1753, survey No. 706; thence, eastwardly, and parallel with said boundary line of said claim and survey, to the foot of the bluff; thence, along the foot of the bluff, to the place of beginning, are hereby constituted a body corporate and politic, by the name and style of "The Harrisonville Levee and Drainage Company;" and by that name shall have perpetual succession, and may have a common seal, and make and alter the same at pleasure; they shall have power to contract and be contracted with, to sue and be sued, to plead and be impleaded, and to do and perform, in their corporate name, all such acts and things as are or may become necessary for the accomplishment of the purposes of this act of incorporation, as fully and completely as a natural person might or could do.

Name.

§ 2. The object and purposes of this act of incorporation shall be the draining of the lands within said district, and to prevent the inundation thereof, or such portion or portions of the same as the said corporation may deem susceptible of drainage and protection from inundation; for the furtherance of which object and purposes the said company are hereby empowered to make by-laws, not inconsistent with the constitution of the United States, and the constitution and laws of this state, and which shall be binding alike upon said company and those who contract with them.

Drainage.

§ 3. That part of said district lying north of township No. 3 shall constitute the north division; that part situated in township No. 3 shall constitute the middle division; and that part south of township No. 3 shall constitute the southern division of said district. And at no election for levee commissioners shall any vote be counted for more than two persons from the north or middle division, or more than one person from the southern division.

Divisions.

§ 4. The corporate powers of said company shall be vested in five levee commissioners, who shall be owners of land in said district, and shall be elected in the manner hereinafter provided. They shall hold their offices for two years, and until their successors are elected and qualified, and shall, severally, make oaths, before some officer authorized to administer oaths, that they will faithfully, honestly, and to the best of their ability, discharge the duties of said office of levee commissioner. The said levee commissioners, before entering upon their duties, shall severally enter

Levee commissioners.

into bonds, in the sum of two thousand dollars, payable to the people of the state of Illinois, for the use of the Harrisonville Levee and Drainage Company, conditioned for the faithful application of the moneys of said company, and the discharge of the duties of said office—a copy of which bond shall be filed in the office of the clerk of the county court of said Monroe county, and by him recorded. Any three of said commissioners shall constitute a quorum to do business; and in case of any vacancy in the said office of levee commissioners, from any cause, the said levee commissioners shall have power to fill such vacancy until the next regular election.

President.

§ 5. The said levee commissioners shall appoint one of their number president, whose duty it shall be to preside over their deliberations, and in the absence of whom they shall appoint one of their number president *pro tem*. The said commissioners shall appoint a secretary, a treasurer and a collector, who may or may not be of their number, and who shall, severally, enter into bonds, in a sum sufficient to fully indemnify said company against loss by reason of their failure to discharge the duties of their respective offices. The said levee commissioners may appoint such subordinate officers and agents as they may deem necessary to effectually carry out the purposes of this corporation, and may require land [bond] for the faithful discharge of the duties of such subordinates or agents. In no case shall either of said levee commissioners, the treasurer, secretary or collector of said company, be interested in any contracts for or letting of work to be done by said company, under penalty of forfeiture of their respective offices, and the payment of the sum of two hundred dollars, to be recovered, by action of debt, in the said corporate name, before any court having jurisdiction thereof.

Construction of  
dikes, ditches,  
&c.

§ 6. Said corporation is authorized and hereby empowered to survey, locate, construct and complete dikes, ditches, levees, embankments, culverts, roads, bridges, guard-locks and dams; to change, clear out obstructions in or widen the channel of any creek, and to keep the same in repair, over, upon, through or across any lands lying within said district; and shall have power to survey, locate and construct their works over, under and across any public or other road, which now is or may hereafter be laid out or constructed in said district; and, for such purpose, shall have the right of way upon, and may appropriate to the use and purposes contemplated herein, all the lands, stone, timber and materials, of every kind, necessary for the location, construction and alteration of said dikes, ditches, levees, embankments, culverts, bridges, locks and roads, and for the maintenance and repairs of the same.

Right of way.

§ 7. Said corporation is empowered to condemn lands and materials, for the purpose of the construction of said



works, and for the purpose of keeping the same in repair, in the mode and manner now provided by law for obtaining the right of way, approved March 3rd, 1845: *Provided*, that any appeal from such condemnation shall not hinder the use and occupation of such lands or materials so condemned, upon the said corporation giving security, to be approved by the clerk of the court to which said appeal is taken, to abide by and pay such damages as may be assessed against said company.

§ 8. The said corporation may, in its corporate name, Real estate receive, take and hold, either by gift, purchase, devise, bequest or otherwise, any real or personal estate, for the use and advancement of the purposes of said corporation, and may, in their corporate name, mortgage, sell and convey any real estate by them held, whether the same be purchased, given, devised, bequeathed or conveyed directly to said corporation, or to any of its officers for the use of said corporation: *Provided*, that the real estate sold by said corporation, at any one time, shall not exceed in value the sum of one hundred thousand dollars.

§ 9. The said company shall have power to borrow Borrowing of money. money, on the credit of the company, at any rate of interest not exceeding ten per cent. per annum; but the indebtedness of said company, for borrowed money, shall at no time exceed the sum of three thousand dollars.

§ 10. The said Harrisonville Levee and Drainage Company may issue bonds, with interest coupons attached, not exceeding the sum of one hundred thousand dollars, and secure the payment of the same by mortgage or deed of trust on the whole or any part of the franchise, property and income of said company, then existing or thereafter to be acquired; such bonds to be redeemable not more than twenty-five years after date, and to bear interest, payable annually, at a rate not exceeding ten per cent. per annum; which bonds may be sold by said company, at such times and at such places, either within or without this state, and at such rates and for such prices as, in the opinion of the levee commissioners, will best advance the interest of the said company; and if such bonds, or any of them, are thus neglected, or sold for less than their par value, such sale and disposition thereof shall be as valid and binding on the company, in every respect, as if they were sold or disposed of at their par value. Issuing of bonds.

§ 11. The said levee commissioners shall keep a journal Records. of their proceedings, and for that purpose shall provide a well bound book, to be styled "The Levee Commissioners' Journal," in which they shall cause their secretary to record, at length, the proceedings of their board; and the transactions of each day on which the said board may be in session shall be signed by the president, as an evidence of the correctness thereof. They shall provide themselves with a

well bound book, to be styled "Levee Commissioners' Record," in which they shall cause to be recorded all bonds given to said corporation, or for the use thereof, all contracts made by or with said company, and all bonds or evidences of indebtedness of the said company, and such other matters or instruments of writing as the said board of levee commissioners may, from time to time, direct; and they shall also provide themselves with a suitable book, to be styled "Levee Tax Book," in which shall be recorded a correct list of each tract of land in the said district, the description thereof, the number of acres in each tract, and the name of the owner thereof, if known; noting such tracts or what part of any tract is not susceptible of drainage by the works contemplated in this act; the amount and date of the assessments made upon each tract of land within said district; a list of all delinquent lands upon which the taxes levied thereon have not been paid within the time prescribed by this act; a list of lands sold for taxes, with the names of the purchasers and certificate of redemption thereof, together with such other titles of lands in said district as the said corporation shall direct.

Annual tax.

§ 12. For the purpose of defraying the expense of the construction of levees, embankments, and draining said district, or any portion thereof, and for the liquidation of any indebtedness contracted by the said corporation, in the prosecution of the objects of its incorporation, the said company is hereby empowered to levy and collect, annually, a tax, not exceeding, in the aggregate, thirty thousand dollars; which tax shall be levied upon the several tracts of land in the said district, in proportion to the benefits to accrue to the said several tracts of land, respectively: *Provided*, that the whole tax to be levied for the completion of the said works shall not exceed the sum of one hundred and fifty thousand dollars: *And provided, also*, that for the year A.D. 1861, no more than ten thousand dollars, and for the year 1862 no more than fifteen thousand dollars, shall be levied and collected from the owners of lands in said district, unless, at an election, to be held in said district, a majority of the owners of land in said district shall vote a larger sum.

§ 13. No taxes shall be levied for the purposes contemplated in this act upon any lands not susceptible of being drained.

Assessment of tax

§ 14. In any year which the said company may deem it expedient to levy and collect a tax for the prosecution of their said works the said board of levee commissioners shall, at some regular meeting of their said board, previous to the first of May, proceed to assess and levy, by an order of said board, to be entered on their journal, a tax upon the lands in the said district, in accordance with the provisions and limitations of section twelve of this act. The said board of

levee commissioners shall cause to be made out and delivered to their collector, on or before the tenth day of May next, after making such levy and assessment, a complete list, certified by their secretary and countersigned by their president, containing a description of each tract of land on which they have levied a tax, the number of acres in the same, the amount of tax levied thereon, the name of the owner thereof, if known; which list, so certified, shall be a sufficient warrant to authorize said collector to collect of the owners of said lands the taxes and assessments thereon made by the said corporation.

§ 15. Upon the receipt of said lists, certified, the collector of said company shall fix upon some public place in each division of said district and appoint a day upon which he will attend at such places, for the purpose of receiving the levee taxes due from the land owners in the said district, and shall give at least twenty days previous public notice, by posting one or more notices in each division of said district; and by publication in some newspaper printed in said Monroe county, of the time when and place where he will attend for the purpose of receiving said taxes. All persons who shall not have paid their said taxes within ten days after the days upon which the said collector shall attend in the respective divisions of said district for receiving the same, shall be in default, and the said collector may proceed to collect the said taxes by distress and sale of personal property, in all respects the same as state and county taxes may be collected by distress and sale of personal property.

Mode of collecting tax.

§ 16. The collector of said company shall return to the board of levee commissioners, on the first Monday of August, of any year in which they may levy a tax, a list of delinquent lands upon which he has been unable to collect the levee tax thereon, for any cause. The said collector shall make oath that the said list contains all the lands upon which he has been unable to collect the said tax; and the said collector shall, on the first day of every month, pay over to the treasurer of said company all moneys by him collected for the said corporation.

Delinquent lands.

§ 17. The collector of said company shall file a list of said delinquent lands with the clerk of the county court of Monroe county, at least five days before the term of said court at which application is made for a judgment; which list, with the affidavit of said collector thereto, shall be recorded by the said clerk in the same record in which is recorded the list of delinquent lands for state and county taxes. The said list may be in the following form:

List of delinquent lands.



A list of lands reported by Collector of the Harrisonville Levee and Drainage Company, upon which he has been unable to collect the special tax assessed thereon by the said company, for the year, A. D. —, and, now, on this — day of —, A. D. 18—, files this, his petition, for a judgment and order of sale against said lands, at the term 18— of the County Court.

Owners' names.	Description.	No. of acres.	Am't tax.	Interest.	Cost.

Within five days after judgment shall have been rendered against any lands, for taxes due thereon, the clerk of the county court shall make out and deliver to the collector of said company a correct list of said lands, in the same form as the list upon which judgment is entered, and shall attach thereto a copy of the judgment and order of the court, and his certificate of the truth of such record; which record, so attached, shall constitute the process upon which the collector of said company shall be authorized to sell the delinquent lands for taxes, and which warrant shall be recorded by their secretary in the levee tax book of said company.

Notice of the collectors.

§ 18. The collector of the said company shall give notice, in the same manner, for the same length of time; and which notice shall contain, in substance, as near as may be, the same facts of his intended application for a judgment against delinquent lands as is required, for the term being, by law, to be given in like cases by the collector of state and county taxes.

§ 19. On the hearing of the application for judgment against delinquent lands, as herein provided, the county court shall proceed to hear and determine the matter and enter judgment, in all respects the same as in the case of applications for judgment against delinquent lands by collectors of state and county taxes: *Provided*, that the said court shall fix the place where, (in said district,) time when, and the manner of giving notice of the sale of the lands upon which the said special tax shall not be paid.

Sale by collector.

§ 20. At the time fixed for the sale thereof the collector of said company shall proceed to sell said lands, in accordance with the provisions of the law authorizing the sale of lands for state and county taxes, the secretary of said company shall enter in the tax book of said company the description of each tract or part of tract sold, and the name of the purchaser thereof. When any of said lands shall be redeemed from sale the secretary of said company shall enter the names of the person redeeming, the date and amount of redemption upon said tax book.

§ 21. Lands sold for the taxes due thereon, by the collector of said company, may be redeemed of the secretary

of said company, upon like terms, within the same time and in like manner as is provided by law for the redemption of lands sold to individuals for state and county taxes: *Provided*, that said company may bid in lands for taxes and take and hold the same as natural persons may do.

§ 22. The collector of said company shall execute and deliver to the purchaser of any tract of land sold for taxes, in pursuance of the provisions of this act, when the same shall not be redeemed within the time prescribed by law, a deed, conveying the same to him and his heirs forever; and when the purchaser shall have complied, in all things, with the obligations imposed upon purchasers of lands sold for state and county taxes. And all deeds made by the said collector, conveying to the purchaser thereof any tract of land sold for the taxes due said company, by virtue of the provisions of this act, shall be received, in all courts of justice and elsewhere, as evidence of the same facts now proved by sheriffs' deeds under the revenue laws of this state. Tax title.

§ 23. No owner of land in said district or officer of said company shall, in consequence thereof, be disqualified as a witness; nor shall any owner of land in said district be disqualified as a juror in any suit or legal proceeding wherein said company shall be a party to the suit or in interest.

§ 24. At the expiration of two years, from and after any sale of lands for taxes, by virtue of the provisions of this act, the secretary of said company shall make out, under his hand and seal of said company, a list of all lands redeemed from him for the two years next previous thereto, and deliver the same to the county clerk of said county, when the same shall be by him recorded in the judgment book for the sale of delinquent lands. List of lands returned to county clerk.

§ 25. The collector of said company shall, within ten days next after he shall have executed a deed to any purchaser of delinquent lands for taxes, cause to be recorded by the secretary of said company the affidavit made by the said purchaser, of his compliance with the constitutional provision upon that subject; and, when so recorded by the said secretary, the said affidavit shall be filed in the office of the county clerk of said county.

§ 26. The collector of said company shall, within ten days next after any tax sale by him made, return to the county clerk of said county the warrant by virtue of which the said lands were sold, with a certificate attached thereto, setting forth the name of the purchaser and the description of the tract or part of tract sold, which certificate shall constitute the return of said collector; and said return shall be recorded by said clerk in the judgment book for taxes. Clerk's warrant returned by collector.

§ 27. The journal, tax book and record of said company or any matter or thing in either of them contained, duly certified by the secretary of said company, with the seal of Secretary's certificate.

said company affixed, shall be taken and received as evidence in all courts and places in this state.

Unknown owners  
of land.

§ 28. In all proceedings to be had, done or performed, in pursuance of any of the provisions of this law, and when the owner of any tract of land is not known, such owner may be described as "unknown;" and in all proceedings to condemn lands or materials, by said company, notice of the application for the appointment of commissioners to assess damage may be given to infants, idiots, lunatics or distracted persons, *femmes covert*, nonresidents, and persons whose names are unknown, in the manner provided by section three of an amendatory act, passed June 22, 1853, to the law then in force for condemning land and materials for the construction of roads or other public works.

Clerk's and prin-  
ter's fees.

§ 29. The clerk of the county court and the printer publishing the delinquent lists shall be allowed the same fees allowed by the laws of this state for like services to be performed in relation to the collection of state and county taxes. The sheriffs shall be allowed, for collecting the taxes hereinafter provided, to be entered upon the tax book, and collected with the taxes for the year 1860, four per cent. on the amount collected, and for entering the same upon the tax book the same fees allowed the county clerk for like services. The collector of said company shall be allowed a reasonable compensation by the said company, not exceeding the fees allowed for like services, by law, to the collector of the state and county revenue. The secretary and treasurer of said company shall be allowed such reasonable compensation as the said company shall order. The president, the levee commissioners and the commissioners of organization, hereinafter appointed, shall not be entitled to any fee for their services. The subordinates and agents of said company shall receive a compensation for services, to be fixed by the said company.

Contracts to be  
let to lowest bid-  
ders.

§ 30. All contracts for work to be done for said corporation, exceeding in value the sum of two hundred dollars, shall be let to the lowest responsible bidder—of the letting of which previous public notice shall be given.

Election of of-  
ficers.

§ 31. The levee commissioners shall meet at some convenient place, in the said district, within five days next after their election, and at such meeting shall proceed to organize, by the election of one of their number president, and also a secretary for said company. And all future meetings of said board shall be held as provided by the by-laws of said company.

Taxes to be paid  
to the company.

§ 32. That it shall be the duty of the state treasurer and the county treasurer of Monroe county, immediately on receiving the county and state revenue of each year, to pay to the said company, for the term of fifteen years, all taxes collected on the lands in said district, over and above the amount which would have been collected by the state and



county, respectively, if said lands were assessed the same as in the year 1859.

§ 33. That at any time the said corporation shall neglect or refuse to levy and collect a tax, in pursuance of the provisions of this act, sufficient to liquidate the indebtedness of said company, contracted in accordance with the act of incorporation, on application by any creditor of said company or holder of any bond or bonds thereof, the circuit court of Monroe county shall appoint five commissioners, who are hereby vested with power to levy and collect taxes for the liquidation of said indebtedness, in all respects the same as the levee commissioners of said company might levy and collect the same: *Provided*, that twenty days' notice of said application shall be given, by publication in some newspaper published in said county.

Neglect to levy tax.

§ 34. Austin James, William Bamber, John Bowman, William Wible, Mathias Patten, Michael Pickett and Stephen W. Miles are hereby constituted a board of commissioners of organization, for the purpose of carrying into effect the provisions of this act, whose duty it shall be to make or cause to be made, by a competent engineer, to be employed by them for that purpose, the necessary surveys and plans, to fix the locations of the levees to be made and to make the estimates for the drainage and levees of said district, or such portion thereof as, in their opinion, is practicable to be drained and leveed.

Surveys and plans.

§ 35. For the purpose of defraying the expense of making the necessary location, plans, estimates and surveys for the levees and drainage of the lands in said district, the said commissioners are hereby empowered to assess and collect, from the owners of land situate in said district, a tax, not exceeding, in the aggregate, the sum of one thousand dollars; which tax shall be levied upon the several tracts of land in said district, in proportion to the benefits to accrue to said several tracts of land by the works contemplated by this act to be done.

Expense of making plans, surveys, &c.

§ 36. Said commissioners of organization, or a majority of them, shall make out, under their hands and seals, on or before the first day of May, A. D. 1861, a list, with appropriate headings, of all the lands, with their proper description, in the said district, together with the number of acres in each tract, and the names of the owners thereof, if known, (and if unknown they may be described as such) with the amount of tax assessed by them upon each tract of land; one copy of which list shall be delivered to the sheriff of Monroe county, on or before the fifth day of May, A. D. 1861, and one copy thereof shall be delivered to the first board of levee commissioners, to be elected under this act, within ten days after their election, who shall cause the same to be recorded in the tax book of said company.

List and description of lands.

Duty of the sheriff

§ 37. The said sheriff, upon the receipt of said list, shall enter the taxes assessed therein upon the tax book for the year, A. D. 1860, and charge the same to the respective owners of the lands contained in said list; and when so charged the said sheriff shall deliver the said list of lands to the county clerk of said county, who shall file the same in his office.

Collection of taxes by the sheriff.

§ 38. The taxes assessed upon said list, so to be delivered to the said sheriff, shall be collected by him in the same manner and at the same time and place as the state and county taxes for the said year, A. D. 1860, are collected; and in the event of nonpayment the same rights and privileges, liens and remedies that are now in force or shall be made obligatory by law for the collection of state and county taxes, shall be applicable to the collection of said special tax; and the same judgment shall be obtained, and the same privileges and obligations shall be imposed upon purchasers and owners, as by law are applicable to lands sold for the nonpayment of taxes; and all deeds, executed by the sheriff, on a sale of such lands for taxes, under the provisions of this law, shall be received in all courts of justice and elsewhere as evidence of the same facts now proved by the sheriff deeds under the revenue laws of this state.

Sheriff's bond.

§ 39. The said sheriff shall give bond, with security, to be approved by said commissioners, for diligence in the collection and the faithful and prompt payment of said taxes to the said commissioners of organization, or some one of them designated by a majority, on or before the first day of \_\_\_\_\_, A. D. 1861.

§ 40. The said commissioners of organization shall keep and subscribe a memorandum or journal of their proceedings, which shall be delivered to the board of levee commissioners, to be by them entered of record in their journal.

Vote upon the question of special tax.

§ 41. When the surveys, plans and estimates contemplated in the sixth section of this act are completed and certified to be correct, as near as may be, by a competent engineer, it shall be the duty of the said commissioners of organization, or a majority of them, to give two weeks' notice for an election, to be held at some convenient place in said district; at which election any three of said commissioners of organization may act as judges, and any two of their number as clerks. At said election the owners of land lying in said district, within the levee, as located, shall vote, by ballot, and be entitled to one vote for each acre of land in said district and within the levee, as located, respectively owned by them; and the question to be voted upon shall be "For Special Tax to Levee" and "Against Special tax to Levee." The notice provided for in this section shall be given by posting at least one notice in each of the three divisions of the said district and publishing the same in some paper printed in said county.

§ 42. If, at the said election, more than one-third of the votes cast shall be "Against Special Tax to Levee" this act shall be null and void. If at said election two-thirds of the votes cast are "For Special Tax to Levee" this act shall be in full force and virtue; and the said commissioners of organization shall give notice of an election of the landholders of said district, within three months next after the said election for and against special tax to levee, for five levee commissioners; which election shall be conducted in the same manner, the notice thereof given, in all respects, the same, and the landholders of said district entitled to a like number of votes as in the said election for and against special tax to levee. And all future elections for levee commissioners shall be held and conducted as may be provided by the by-laws of said company: *Provided*, that the owners of land in said district shall be entitled to one vote for each acre of land owned by them in said district and within the levee, as located; nor shall any special taxes, for any other than school purposes, be levied upon any land in said district and within the levee, as located, in any year, which the said levee commissioners shall levy a tax under the provisions hereof.

Two-thirds vote.

Election of levee commissioners.

§ 43. All sums of money, collected by virtue of the provisions of this act and levied upon land not included in the levee, as located, shall be repaid on demand, and without costs, to the person from whom the same was collected.

Repayment of taxes.

§ 44. This act to be in force from and after its passage, and is hereby declared to be a public act, and is to be liberally construed, in all courts and places, for the purpose of carrying out its purposes and interests.

APPROVED February 21, 1861.

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AN ACT to incorporate the Mississippi Levee Company.

In force February 20, 1861.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That all such persons as shall become stockholders, agreeably to the provisions of the corporation hereby created, shall, for the term of twenty years, from and after the passage of this act, be a body corporate and politic, by the name of "The Mississippi Levee Company;" and, by that name, shall have succession, for the term of years above specified; may sue and be sued, complain and defend, in any court of law or equity; may make and use a common seal, and alter the same at pleasure; may make by-laws, rules and regulations, of its affairs and for the transfer of its stock, not inconsistent with the existing laws and constitution of this state or the United

Name.



States; and may appoint such agents and servants as the business of the said company may require, prescribe their duties and require bonds for the faithful performance thereof.

Amount of capital stock.

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

Subscription books.

§ 3. That Perry H. Davis, John S. Roberts, Alexander Taylor, M. M. Bane, Samuel Bradbury, be and they are hereby appointed commissioners, for the purpose of procuring subscriptions to the capital stock of said company, whose duty it shall be to open books for subscriptions to the capital stock of said company, giving notice of the time and place when and where said books will be opened, at least ten days previous thereto, by publication in some newspaper published in the county of Pike, and state of Illinois. The said commissioners, or a majority of them, shall attend at the place appointed for the opening of said books, and shall continue to receive subscriptions, either personally or by such agents as they shall appoint for that purpose, until the sum of two hundred thousand dollars shall have been subscribed; and as soon as said sum of two hundred thousand dollars shall have been subscribed the said commissioners shall give ten days' notice, by publication in some newspaper printed in the county and state aforesaid, of an election, by said stockholders, of a board of directors, as hereinafter provided for the management of said company, at such time and place, so appointed for that purpose. The commissioners, or a majority of them, shall attend and act as inspectors of said election; and the stockholders present shall proceed to elect five directors, by ballot. And the commissioners present shall certify the result of such election, under their hands; which certificate shall be recorded in the record book of said company, and shall be sufficient evidence of the election of the directors therein named. The directors, thus elected, shall hold office for one year, and until their successors are elected and qualified.

Election of directors.

Construction of loan.

§ 4. Said company is hereby authorized and empowered to construct a levee, from a point near the town of Millville, in the county of Adams, along and down the bank of the Mississippi river, into Calhoun county. Said levee shall be constructed as near the bank of said river as may be practicable; and which levee shall be sufficient in height, strength and durability to effectually protect all lands between said levee and the bluffs on the eastern side thereof from inundation or overflow, by reason of high water from the Missis-

issippi river, its sloughs or tributaries, similar to the great flood of 1851.

§ 5. Said company shall commence the construction of said levee within two years after the passage of this act and complete the same in five years thereafter, and shall keep said levee in good repair, for the term of twenty years, after the completion of the same; and in case of failure to comply with the provisions of this section all rights and privileges hereinafter granted shall be forfeited.

Time of commencing and completing the work.

§ 6. Said company, for the purpose of acquiring the land necessary in the construction of said levee, are hereby authorized to acquire the same in the manner and under the provisions of chapter 92, of the Revised Statutes, approved March 3d, 1845, and of an act entitled "An act to amend the law condemning right of way for purposes of internal improvement," approved June 22d, 1852.

Right of way.

§ 7. Whenever it shall be necessary to construct said levee across any public highway it shall be the duty of said company to grade or bridge such highway, on each side of said levee, for such distance and in such manner as to render the same passable and as good in every respect, as a public highway, as it was before the construction of said levee.

§ 8. Upon the application of said company to the board of supervisors of said counties, or either of them, in which they may desire to construct any portion of said levee, it shall be the duty of said board of supervisors, by an order, to be entered of record, to appoint a commissioner, whose duty it shall be to ascertain and report to said board of supervisors a list of all lands between said proposed levee and the bluffs, on the eastern side thereof, which were overflowed, in whole or in part, by the high water in the year 1851; and said board of supervisors shall cause said report to be filed and recorded by their clerk and a copy thereof to be certified to the auditor of state, within one month after the same is so filed and recorded; and said lands shall thereafter be assessed and taxes collected thereon at the same rate and in the same manner in which taxes are levied and collected in the state for county and state purposes, and which taxes, when so collected, shall be paid into the county and state treasury, as now provided or as hereafter may be provided by law.

Commissioner for making list of lands.

§ 9. That it shall be the duty of the state treasurer and the county treasurer of the counties in which said levee may be situated, immediately on receiving the state and county revenue of each year, to pay to this company, for the term of twenty years, all taxes assessed on said overflowed lands, so certified as aforesaid, over and above the amount collected on the same lands for the year 1860, excepting the two mill tax provided for by the present constitution of the state for paying the state debt.

Taxes to be paid to the company.

Assessor's list  
sent to auditor.

§ 10. Whenever the county clerk, in either of the counties in which said lands may be situate, shall receive the assessor's list of real estate assessed for taxation in said county, he shall forward to the auditor of state a list of said lands and the assessed value thereof, and the auditor shall, in a separate column, assess a tax on said lands, according to the value of each tract, sufficient in amount to produce thirty thousand dollars, in the aggregate, at each assessment required by law; which shall be collected in the same manner in which the state revenue is now collected by law; which sum shall be paid into the state treasury, and by the state treasurer paid to said company, as soon as the same may be received by said treasurer; and for which services the officers shall be allowed the same compensation as is now allowed by law for similar services, to be paid out of said fund, when so collected.

Compensation of  
commissioners.

§ 11. The board of supervisors in the counties in which said lands or any part thereof may be situate shall fix the compensation of the commissioners provided for in the seventh section of this act at such sum as may be deemed reasonable, which shall be paid by said company; and before said commissioner shall enter upon the discharge of his duties he shall take an oath faithfully and impartially to discharge the duties required of him by this act; which shall be filed with the county clerk and by him recorded.

§ 12. When said levee shall have been completed and built, in such manner as will protect said lands from overflow from similar floods to the one of 1851, then the tax heretofore mentioned shall be levied and collected, as provided for in the foregoing sections.

Commutation of  
tax.

§ 13. When the owners of any land, so reclaimed from overflow and reported for taxation, as aforesaid, shall wish to commute with the said company for the special tax provided for in the 9th section of this act, upon paying or tendering to said company the sum of three dollars and fifty cents per acre, in lieu of said special tax, then the land upon which the same may be paid shall be forever exempt from the payment of said special tax.

Crossing o  
streams.

§ 14. Said company are hereby authorized and empowered to cross all streams, sloughs and water courses, roads, streets and alleys, necessary to be crossed in the construction of said levee, and shall be liable to the owners of any water power for all damages done them in the construction of said levee.

Synecarty culvert.

§ 15. Said company, in the construction of said levee, shall build, or cause to be built, across the Synecarty, at the head thereof, a culvert, with an opening twenty-five feet in width and three feet in depth, so as to admit a stream of water of that size to pass, said culvert to be as low as the bed of said Synecarty, so as not to obstruct the passage of the water through.



§ 16. Said company is hereby authorized and empowered to borrow, from time to time, such sum or sums of money as, in their discretion, may be deemed necessary, to aid in the construction or repairing said levee, and to issue its bonds, payable within or without the state, bearing any rate of interest, not exceeding ten per centum per annum, and to sell and dispose of the same, at above or below par, as may be agreed on, for any amount so borrowed or obtained therefor; and all sales of bonds that may be made at less than their par value shall be good and valid and binding upon said company the same as if said bonds had been sold at par; and said company shall not have the right to put in plea of usury in any action founded upon any of said bonds.

Borrowing of money.

§ 17. Nothing in this act contained shall be construed to affect any rights granted to Samuel Leonard, his heirs or assigns, by an act entitled "An act to provide for reclaiming certain overflowed lands in the counties of Adams, Pike and Calhoun, in the state of Illinois," approved February 10th, 1857; but if said Leonard, his heirs or assigns, shall fail to complete said levee or embankment in the manner and within the time therein required, then all rights granted under said act are hereby declared to be forfeited: *Provided*, that if the company hereby incorporated shall acquire, by purchase, the rights of said Leonard, or his assigns, under said act, then they are entitled to all the benefits of this act, immediately upon making such purchase.

Rights of Samuel Leonard.

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

APPROVED February 20, 1861.

AN ACT to incorporate the Land Improvement Company.

In force February 22, 1861.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly;* That John S. Wright, and such persons as may become associated with him, and his and their successors, are hereby created a body politic and corporate, by the name and style of "The Land Improvement Company;" and shall have continued succession and exist for twenty-five years, and no longer.

Capital stock.

§ 2. The capital stock of said company shall be two hundred thousand dollars, with the privilege of increasing it to two millions, to be divided into shares of one hundred dollars each, which shall be regarded as personal property.

Contracts and conveyances.

§ 3. Said company shall be permitted to organize and go into operation when twenty thousand dollars of its capital shall have been paid in, and shall have power to contract and be contracted with, receive and convey, release and be

released, sue and be sued, plead and be impleaded, answer and be answered unto, in all manner of actions whatsoever, and in all courts having competent jurisdiction, and may have and use a common seal, and alter the same at pleasure, and shall be vested with all the powers and privileges requisite to accomplish the objects of its organization.

Real estate.

§ 4. The objects of said company shall be the purchase, improvement, leasing, exchange and sale of lands and lots, on the shore of Lake Michigan, or within six miles thereof; and the members may make all needful rules and regulations and by-laws and articles of agreement, and execute all instruments, in writing, requisite for the profitable, efficient and safe management of the stock, property and concerns of said company; but nothing in this act shall be construed to invest said company with any banking powers, or to authorize them to make, emit, or utter, any bill of credit or bank note or other thing, to be used as a circulating medium, as and in lieu of money.

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

APPROVED February 22, 1861.

In force February 22, 1861. AN ACT to amend an act entitled "An act to incorporate the Chicago Loan and Trust Company."

Name changed.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the name of "The Chicago Loan and Trust Company," incorporated by an act, approved February 19th, 1859, be changed to that of "The Commercial Loan Company;" which company may commence business so soon as one hundred thousand dollars of its capital stock shall have been subscribed and paid in. Any person owning one thousand dollars of the stock of said company may be a director, anything in the act to which this is an amendment to the contrary notwithstanding.

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

§ 3. All contracts made and entered into by said corporation, created by the act to which this is an amendment, shall in no wise be impaired or weakened by any provision of this act.

APPROVED February 22, 1861.

AN ACT to incorporate the Central City Trust Company.

In force February  
21, 1861.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That* Hervey Lightrier, William F. Bryan, Nathaniel B. Curtiss, Charles W. McClallen, George H. Stone and Alexander Bishop, and their associates and successors, and 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 Central City Trust Company," to be located in the city of Peoria, in the county of Peoria, and state of Illinois; and shall have succession, a common seal, with power to sue and be sued, plead and be impleaded, contract and be contracted with; to appoint all necessary officers, servants and assistants; and may have, enjoy and exercise all the powers necessary to carry out and execute the purposes and intents of a trust, deposit and loan company.

Name and loca-  
tion.

§ 2. The capital of the said corporation shall be one hundred thousand dollars, with liberty to increase the same to five hundred thousand dollars, to be subscribed and paid for in the manner hereinafter provided, 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 the said company, in such manner as its by-laws may prescribe.

Amount of capi-  
tal.

§ 3. The said corporation shall have the power to borrow money, and receive money on deposit, and pay interest thereon, and to loan the said money at any rate of interest not exceeding that now or hereafter allowed by law to individuals, and to discount, in accordance with bank usage, (and, in the computation of time, thirty days shall be a month and twelve months a year,) and to take such security therefor, either real or personal, as the directors or managers of said corporation may deem sufficient; and may buy and sell exchange, bills, notes, bonds or other securities; may have and hold coin and bullion; may accept and execute all such trusts, whether fiduciary or otherwise, as shall or may be committed to it by any person, persons or corporation, or by the order and direction of any court or tribunal, or other legally constituted authority of the state of Illinois or of the United States; may make such special regulations, in reference to trust funds or deposits left for accumulation or safe keeping, as shall best aid the said depositors or parties interested, by accumulating or increasing the same, allowing and receiving such interest therefor, not greater than that hereinbefore specified, as may be agreed upon; may grant and purchase annuities, issue letters of credit, certificates of deposit and other commercial obligations: *Provided*, the same shall not be in the similitude of bank notes or other evidences of debt, designed to be circulated as money.

Borrowing of mo-  
ney and banking  
privileges.



Real estate.

§ 4. 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 and debts due or to become due to the said corporation or others; to purchase real estate at any sale made in virtue or on account of any loan, debt or mortgage or trust, made to or held by the said corporation, and to receive and take, in satisfaction of any such loan or debts, any real estate, and to hold and convey the same, and to acquire, hold, possess, use and enjoy the same; to sell, convey, lease and dispose of all such real estate and personal property as is or may be necessary for the use of said corporation, or as may be deemed by the directors proper and necessary to carry on the business and accomplish the objects of the corporation, or for the promotion of its interests.

Board of directors.

§ 5. The affairs of this 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 fifty thousand dollars shall have been subscribed to the capital stock of said corporation, and five per cent. paid thereon. Any three of the corporators herein named shall be commissioners to open books for subscription, which shall be done within six months from and after the passage of this act. The money so received by the commissioners shall be paid over to the directors, when elected. The directors shall elect a president, annually; shall make such by-laws as may be convenient and necessary for the proper prosecution of the business of the corporation, not inconsistent with this act or with the laws of this state, or of the United States; but no by-laws of this corporation shall be passed without the consent of the majority of the directors; and all the acts of the duly appointed officers and agents of this corporation, done and performed under the authority of the by-laws, shall be binding on the corporation.

Annual election of directors.

§ 6. The election of the 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 capital stock standing in his or their name on the books of the corporation, and he may vote in person or by proxy. Any omission or failure to elect directors shall not impair in any wise the rights of stockholders, depositors or others interested; and the direc-

tors in office shall hold over until their successors shall have been elected.

§ 7. Within sixty days after the election of the first board of directors, as provided in section five of this act, the board of directors shall call in an additional sum of fifteen dollars per share on each share of said stock, to be paid at such time and place as the directors shall appoint, on due notice to said subscribers. The shares of every stockholder omitting to make such payment shall be forfeited, together with all previous payments made thereon. After the payment of five dollars per share on the amount subscribed, as provided in the foregoing section, the corporation shall be considered fully organized; and after the payment of twenty dollars per share on the whole number of one thousand shares of capital stock of this corporation, making up the whole amount of twenty thousand dollars actually paid in, the corporation may commence business, in the full enjoyment of the privileges of this charter, at such place, in the said city of Peoria, as the said directors shall designate.

Payment on  
shares.

§ 8. 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 nonpayment of the balance due by any stockholder on his stock, within sixty days after due notice, it shall be lawful for the directors, at their option, to enforce such payments, or to sell, at public auction, to the best advantage, the amount of stock standing in the name of the said nonpaying stockholder, who shall thereupon cease to be a stockholder in the 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 become liable for the payment of all calls then due or thereafter made on such shares of stock.

Proceedings in  
case of nonpay-  
ment.

§ 9. The board of directors shall have power to declare dividends on the stock of the said corporation, from time to time, and at any time after the accumulation of the profits of said corporation shall exceed five per cent. on the amount of capital actually paid in, provided said dividends shall not reduce the surplus of profits of the corporation below five 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 amount of twenty-five dollars per share has been paid in to the said corporation.

Dividends.

§ 10. At any time after the full payment of the original capital of one hundred thousand dollars into the corporation, as hereinbefore provided, the board of directors may increase the capital of the corporation to the amount limited, or any part thereof, in shares of one hundred dollars each, in such manner as they may deem proper; and said increase shall be subject to all the liabilities, immunities and privileges

Increase of capi-  
tal.

of the original stock, as provided in this act. Stockholders shall have the option of subscribing to such increased stock, *pro rata*, within such time as the directors may limit, of which due notice is to be given.

Selling of real estate.

§ 11. That any real estate acquired, in fee, by this corporation, in payment or satisfaction of any loan or debt, and not held in trust or as security, other than what shall be necessary for the convenient use of the same, for the transaction of its business, shall not be held by the said corporation longer than ten years, and shall, within that time, be sold and conveyed, either at public or private sale, so as to divest the said corporation of the title to and fee in the same.

Individual liability.

§ 12. Every stockholder of the company incorporated under this act shall be individually liable to the creditors of the corporation, to an amount equal to the amount of stock held by him; but no stockholder shall be personally liable for the payment of any debts or obligations contracted by the corporation, unless a suit for the collection of such debt or obligation shall have been brought against said corporation within one year from the time that the same shall have become due, nor until an execution against said corporation shall have been returned unsatisfied, in whole or in part.

§ 13. The corporation hereby created shall exist for the term of fifty years, from the day of the passage of this act, and shall be entitled to use all its corporate powers for five years thereafter, for the purpose of closing up its affairs.

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

APPROVED February 21, 1861.

In force February 20, 1861.

AN ACT to incorporate the Peoria Savings, Loan and Trust Company.

Corporate name and powers.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That* John S. Griswold, Amos P. Bartlett, William Moore, William Tobey, John C. Proctor, Valentine Dervein and Roger J. Brass, and their associates and successors, and all such persons as shall become stockholders in the company hereby created, shall be a body corporate and politic, by the name and style of "The Peoria Savings, Loan, and Trust Company;" and shall have succession, a common seal, power to plead and be impleaded, to appoint all necessary servants and assistants; and may have, enjoy and exercise all the powers necessary to carry out and execute the purposes and intent of a savings association and loan and trust company.



§ 2. The capital of said company shall be one hundred thousand dollars, with power to increase the same to one million of dollars, to be subscribed and paid for in the manner hereinafter provided, 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.

Amount of capita 1

§ 3. The said corporation shall have power to borrow money, to receive money on deposit and pay interest thereon, and to loan money, at any rate of interest, not exceeding that now allowed or that may hereafter be allowed by law to individuals, and to discount, in accordance with bank usage, (and, in the computation of time, thirty days shall be a month and twelve months a year,) and to take such security therefor, either real or personal, as the directors or managers of said corporation may deem sufficient; and may buy and sell exchange, bills, notes, bonds or other securities; may have and hold coin and bullion; 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 and decree of any court or tribunal or other legally constituted authority of the state of Illinois or of the United States; make such special regulations in reference to trust funds or deposits, left for accumulation or safe keeping, as shall best aid the said depositors or parties interested by accumulating or increasing the same, allowing and paying such interest therefor, not greater than hereinbefore provided, 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, designed to circulate as money.

Deposits, loan &c.

§ 4. 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 and debts due or to become due to the said company; to purchase real estate, at any sale made in virtue or on account of any loan, debt or mortgage, or trust made to or held by the said company, and to receive and take [in] satisfaction of any such loan or debts any real estate, and to hold or convey the same.

Real estate.

§ 5. The affairs of the company shall be managed by a board of directors of at least five in number, who shall be stockholders in the company, to the amount of five thousand dollars each. The election of such directors shall be held by the stockholders, when one hundred thousand dollars shall have been subscribed to the capital stock of said corporation and ten per cent. paid thereon; any three of the corporators named herein shall be commissioners to open books for subscription, which shall be done within two years

Board of directors.

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, the directors shall elect a president, from their own body, annually; shall make and execute such by-laws as may be necessary for the proper prosecution of the business of the company, not inconsistent with this act or with the laws of this state or of the United States; but no by-laws shall be passed without the consent of a majority of the board of directors of the company; and all acts of the duly appointed officers and agents of the company, done and performed under the authority of the by-laws of said corporation, shall be binding on said corporation. The number of directors may, at the option of the stockholders, be increased to any number, not exceeding nine.

**Annual election.** § 6. 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 of directors shall be by ballot, and the name and number of shares owned by each stockholder 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 on the books of the company, and he may vote in person or by proxy; and any omission or failure to elect directors shall not impair, in anywise, the rights of stockholders, depositors or others interested.

**Organization.** § 7. After the payment of the ten per cent. of the amount subscribed and the election of a board of directors, as provided for in the foregoing section, the said company shall be considered fully organized, and may commence business, in the full enjoyment of the privileges of this charter, at such place, in the city of Peoria, as the board of directors shall direct.

**Payment of subscriptions** § 8. The board of directors shall have power to call for the payment of the balance due on the subscriptions to the capital stock of this company, at such times as they may deem proper; and in the event of the nonpayment of the balance due by any stockholder on his stock, within sixty days, after due notice being given, it shall be lawful for the board of directors, at their option, to enforce such payment or to declare such stock forfeited to the company: *And, it is further provided*, that the said directors shall, within one year after the said company shall be organized, call for at least forty per cent. of the capital stock subscribed (in addition to the ten per cent. aforesaid) to said company.

**Dividends.** § 9. The board of directors shall have power to declare dividends on the stock of said company out of the profits of the business thereof, from time to time, as they shall deem for the interest of the stockholders: *Provided*, that

no dividend shall be paid to any stockholder until fifty per cent. of his stock shall have been paid in to the company.

§ 10. The board of directors shall have the power to provide for the increase of the capital stock of this company, under the limits of this charter.

§ 11. Every stockholder of the company incorporated under this act shall be, severally, individually liable to the depositors with and creditors of the company, to an amount equal to the amount of stock held by him, respectively, for all deposits made with and debts and contracts made by the company during the time such stockholder was a member thereof, notwithstanding any transfer; but no stockholder shall be personally liable for the payment of any deposit made with or debts contracted by the company formed under this act, unless a suit for collection of such deposit or debt shall be brought against the company within one year from the time the same may be due or become due, nor until an execution shall have been returned unsatisfied, in whole or in part.

Individual liability.

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

APPROVED February 20, 1861.

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AN ACT to incorporate the Prairie State Loan and Trust Company.

In force February 22, 1861.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That A. G. Farwell, Chas. T. Gilbert, Davies Perrin, Joseph Sibley, Theodore P. Sheldon, Horace J. Perrin, Joel J. Perrin, Jonathan Burr, C. H. McCormick, George Smith, Solomon M. Wilson, 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 Prairie State Loan and Trust Company," and shall have succession, a common seal, power to plead and be impleaded, to appoint all necessary servants and assistants, and may have, enjoy and exercise all the powers necessary to carry out and execute the purposes and intent of a loan and trust company, for thirty years, from and after the passage of this act.

Corporate name and powers.

§ 2. The capital stock of said company shall be one hundred thousand dollars, with power to increase the same to three million dollars, to be subscribed and paid for in the manner hereinafter provided, and shall be divided into shares of one hundred dollars each, which shall be deemed personal property, and shall be transferable on the books

Capital stock.



of the said company, in such manner as its by-laws may prescribe.

Loans, deposits  
and discounts.

§ 3. The said corporation shall have power to borrow money and receive money on deposit and pay interest thereon, and to loan the said money, at any rate of interest, not exceeding that now allowed or that may hereafter be allowed, by law, to individuals, and to discount, in accordance with bank usage, (and, in the computation of time, thirty days shall be a month and twelve months a year,) and to take such security therefor, either real or personal, as the trustees or managers of said corporation deem sufficient; and may buy and sell exchange, bills, notes, bonds or other securities; may have and hold coin and bullion; 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; may make such special regulations, in reference to trust funds or deposits left for accumulation or safe-keeping, as shall best aid the said depositors or parties interested, by accumulating or increasing the same, allowing and receiving such interest therefor, not greater than that hereinbefore specified, as may be agreed on; 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 be circulated as money.

Real estate.

§ 4. 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 debts due or to become due to the said company; to purchase real estate, at any sale made in virtue or on account of any loan, debt or mortgage or trust made to or held by the said company, and to receive and take in satisfaction of any such loan or debts any real estate and to hold or convey the same.

Board of trustees.

§ 5. The affairs of this company shall be managed by a board of trustees, of at least nine in number, who shall be stockholders in the company to the extent of at least one thousand dollars each. The election of such trustees shall be had by the stockholders, when one hundred thousand dollars shall have been subscribed to the capital of said corporation and twenty per cent. paid thereon. Any three incorporators herein named shall be commissioners to open books for subscription, which shall be done in ninety days from and after the passage of this act. The money so received by the commissioners shall be paid over to the trustees, when elected. The trustees shall elect a president, from their own body, annually; make and execute such by-laws as may be convenient and necessary for the proper

prosecution of the business of the company, not inconsistent with this act or the laws of this state or the United States; but no by-laws of this corporation shall be passed without the consent of the majority of the trustees; and all the acts of the duly appointed officers and agents of this company, done and performed under the authority of the by-laws, shall be binding upon the company.

§ 6. The election of trustees 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 trustees shall be by ballot, and the name and number of shares owned by each stockholder 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 on the books of the company, and he may vote in person or by proxy. Any omission or failure to elect trustees shall not impair, in any wise, the rights of stockholders, depositors or others interested. Annual election.

§ 7. Within sixty days after the election of the first board of trustees, as provided for in section five of this act, the board of trustees shall call in an additional sum of thirty dollars per share of said stock, to be paid at such time and place as the trustees shall appoint. On due notice to said subscribers the shares of every stockholder omitting to make such payment shall be forfeited, together with all previous payments made thereon. After the payment of twenty dollars per share on the amounts subscribed, as provided in the foregoing section, the said company shall be considered fully organized; and, after the payment of fifty dollars per share on the whole number of shares subscribed to the capital stock of the company, making up the whole amount of at least one hundred thousand dollars actually paid in, the company may commence its business, in the full enjoyment of the privileges of this charter, at such place, in the city of Chicago, as the said board of trustees shall direct. Payments on shares.

§ 8. The board of trustees shall have power to call for the payment of the balance due on the subscriptions to the stock of this company, at such times as they may deem proper; and in the event of the nonpayment of the balance due by any stockholder on his stock, within sixty days after due notice, it shall be lawful for the trustees, at their option, to enforce such payment, or to sell, at public auction, to the best advantage, the amount of stock standing in the name of the said nonpaying stockholder, to any person or persons, and the proceeds of such sale shall be paid over to said nonpaying stockholder, who shall thereupon cease to be a stockholder in this company, 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, Proceedings in case of nonpayment.

and become liable for the payment of all calls then due or thereafter made on such shares of stock.

Dividends.

§ 9. The board of trustees shall have the power to declare dividends on the stock of the said company, from time to time, and at any time, after the accumulation of the profits of said company shall exceed five per cent. on the amount of capital actually paid in: *Provided*, said dividends shall not reduce the surplus of profits of the company below five per cent. on the amount of the 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 amount of fifty dollars per share has been paid in to the said company.

Increase of capital.

§ 10. At any time, after the full payment of the original capital of one hundred thousand dollars in to the said company, as hereinbefore provided, the board of trustees may increase the capital of the company to the amount limited, or any part thereof, in shares of one hundred dollars each, in such manner as they may deem proper; and said increase shall be subject to all the liabilities, immunities and privileges of the original stock, as provided in this act. Stockholders shall have the option of subscribing to such increased stock, *pro rata*, within such time as the trustees may limit, of which due notice is to be given.

Real estate.

§ 11. That any real estate, acquired in fee, by this corporation, and not held in trust or as security, other than what shall be deemed necessary for the convenient use of the same for the transaction of its business, shall not be held by the said corporation longer than five years, and shall, within that time, be sold and conveyed, either at public or private sale, so as to divest the said corporation of the title to and fee in the same.

§ 12. The stockholders in this corporation shall be holden to the creditors thereof for the amount of capital stock each shall hold in the same, for six months after transfer of shares.

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

APPROVED February 22, 1861.

In force February  
21, 1861.

AN ACT to incorporate the Real Estate Loan and Trust Company.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That Mahlon D. Ogden, Edwin H. Sheldon, Ezra B. McCagg, Perry H. Smith, and Alexander C. Coventry, 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 Real Estate Loan and Trust Company," 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 and execute the purposes and intent of a loan and trust company at Chicago. .

Name and style.

§ 2. A majority of the incorporators 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 trustees of said company, by parties subscribing to the stock thereof; and each share of stock so subscribed for shall be entitled to one vote.

Subscriptions.

§ 3. The capital stock of said company shall be one million of dollars, with power to increase the same to two millions of 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 its by-laws may prescribe.

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 a month, and twelve months a year,) and to make such loan 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 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 grant and purchase annuities; may issue letters of credit and other commercial obligations, and may secure the payment of any loans made to said company in any way the trustees may prescribe.

Loans, deposits and discounts.

§ 5. It may be lawful for the company hereby incorporated to purchase and hold such real estate as may be convenient or useful in the transaction of its business, and to take and hold any real estate, in trust or otherwise, as seen-

Possession and purchase of real estate.

rity 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 or 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 and convey the same.

Board of trustees.

§ 6. The affairs of the company shall be managed by a board of trustees, at least three in number. After the first election as is herein provided, the trustees shall be elected by the stockholders, at such time and places and in such manner as shall be established by the by-laws of said company; the trustees of said company shall be elected annually, but any failure or omission to elect trustees shall in no wise impair or affect the rights and powers of trustees holding over or the rights or interests of the stockholders, depositors or others interested.

By-laws and regulations.

§ 7. The trustees shall have the right to form 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 company's operations: *Provided, however,* that the same shall contain nothing inconsistent with the constitution and laws of this state.

Dividends.

§ 8. The board of trustees shall have the right to declare dividends out of the earnings of said company. It shall be the duty of the trustees of said company to make an annual report to the treasurer of the state of Illinois of their acts and doings for the previous year; such report to be verified by the affidavit of the president or other proper officers of said company.

§ 9. Each stockholder of the corporation hereby created shall, as to funds received on trust or on deposit for safe keeping or otherwise, be individually liable, to the amount of his share or shares of capital stock, for all losses or deficiencies that may occur while he was such stockholder, which individual liability shall continue for six months after transfer of his said stock.

§ 10. Until the sum of one hundred thousand dollars shall have actually been paid in on subscription to capital stock, the corporation hereby created shall not commence or perform any business hereby authorized, and the duration of said corporation is hereby limited to fifty years, from and after the passage of this act.

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

APPROVED February 21, 1861.

AN ACT to incorporate the Illinois Agricultural Implement Manufacturing Company. In force February 22, 1861.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That Bronson Murray, Edward J. Eno, Edward B. Eno and J. B. Turner, and their associates, successors and assigns, be and they are hereby constituted a body corporate and politic, under the name and style of "The Illinois Agricultural Implement Manufacturing Company;" and by that title shall be and are hereby made capable, in law and equity, to sue and be sued, plead and be impleaded, defend and be defended in any court or place whatever. Name and style.

§ 2. The said corporation may have and use a common seal, and may alter and renew at pleasure, and are hereby vested with power to purchase hold and convey real and personal estate; to give and receive promissory notes; to enter into and carry on the manufacture 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. Corporate rights and privileges.

§ 3. The said corporation may make and establish such by-laws, ordinances and regulations as shall, in their opinions, 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. Rules and regulations.

§ 4. The capital stock of this company shall not exceed one hundred thousand dollars, and shall be divided into shares of one hundred dollars each; 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. Capital stock.

§ 5. The directors shall hold their offices for one year, and shall have the management of all business of said corporation, and shall make all contracts; but no contract shall be binding, that has not the signature or assent of the president of the board or of some agent or attorney acting under his direction and authority. Directors.

§ 6. 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 corporators or a majority of them, or of the survivors of them, if any of them shall die, shall propose and propound, in articles or by-laws enacted for that purpose; which by-laws shall Subscriptions of stock.



not be subject to alteration or repeal, without the consent of all the stockholders.

APPROVED February 22, 1861.

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In force February 20, 1861. AN ACT to amend "An act to incorporate the German House Association of Chicago," as passed February 12th, 1857.

By-laws.

*Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That section (1,) one, of an act passed February 12th, 1857, entitled "An act to incorporate the German House Association of Chicago," be and the same is hereby amended in the following manner, to-wit: Strike out the words "and shall have power to make by-laws," and insert therefor, "and shall have power to make, amend and repeal by-laws and regulations of the board of directors as well as of the association;" and further, that in section three, (3,) of said act, the following words be and the same are hereby stricken out, to-wit: "for the purpose of effecting such increase."

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

APPROVED February 20, 1861.

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In force February 21, 1861. AN ACT to authorize and enable the Chicago Refining Company, incorporated under the laws of the state of Illinois, to borrow money and issue bonds.

*Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the Chicago Refining Company, a company incorporated under the laws of the state of Illinois, be and the same is hereby authorized to issue bonds, not to exceed the sum of three hundred thousand dollars, in sums of one thousand dollars each, bearing interest at the rate of ten per cent. per annum, and falling due not more than twenty years after the date thereof, to be secured by mortgage or deed of trust on the property of the said company.

APPROVED February 21, 1861.

AN ACT to incorporate the Elmwood Mining and Manufacturing Company. In force February 18, 1861.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That William Phelps, Thomas Hurff, William E. Phelps, and their associates and successors, are hereby constituted a body politic and corporate, by name and style of "The Elmwood Mining and Manufacturing Company," with perpetual succession, for the purpose of mining and exploring for coal, metals, ores and minerals, and for general purposes of manufacturing; and, by that name, with power to contract and be contracted with, to sue and be sued, plead and be impleaded, appear, prosecute and defend in any court of law or equity, in all suits and actions; have a common seal, with privilege to alter the same; and may borrow money, purchase, hold, sell, mortgage, transfer and convey any real or personal estate and property; may make, erect and construct shafts, pits, races, roads, furnaces, forges, mills, buildings, and all other works necessary for carrying on their operations; and shall enjoy all the privileges incident to corporations, for such purposes, and possess all the rights, powers and immunities necessary to execute and carry on such business.

Name.

Rights and privileges.

§ 2. The persons named in this act shall have power to organize the said company, by the appointment of such officers or managers as they may deem necessary, who shall have power to make by-laws, from time to time, for the management of their business, not inconsistent with the laws of this state or the United States.

Officers.

§ 3. The capital stock of said company shall be not less than twenty thousand dollars, and may be increased to any sum, not exceeding two hundred thousand dollars; and said company shall have power to take real and personal property in payment on subscription to its stock, at such prices as they may think proper and expedient.

Amount of capital stock.

§ 4. Said company shall have power to construct, on lands belonging to them, side track railroads, to connect with the Peoria and Oquawka railroad, and operate the same, for their benefit and advantage.

Side track.

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

APPROVED February 18, 1861.

AN ACT to incorporate the Eagle Works Manufacturing Company of Chicago. In force February 21, 1861.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That Philetus W. Gates, George Steele, Mathew Laflin, George W. Gage,

Name and style. Joseph T. Ryerson and James W. Scoville, 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 Eagle Works Manufacturing Company;" 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 and execute the purposes and intents of a steam engine and machinery manufacturing company.

Books of subscription. § 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, and each share of stock so subscribed for shall be entitled to one vote.

Amount of capital stock. § 3. 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 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 the said company in such manner as its by-laws may prescribe.

Borrowing of money. § 4. The said corporation shall have power to borrow money, and may secure the payment of the same by deed of trust, mortgages, or other securities.

Real estate. § 5. It may be lawful for the company hereby incorporated to purchase and hold such real estate as may be deemed necessary by them for the successful prosecution of their business and may have power to convey the same.

Board of directors. § 6. The affairs of the company shall be managed by a board of directors, at least five in number. After the first election, as is 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 over or the rights or interests of the stockholders or others interested.

By-laws and regulations. § 7. The directors shall have power to frame a body of by-laws, for the election or appointment of all the officers and agents of said company and for regulating the operations of said company, and to alter the same in the manner to be provided in said by-laws: *Provided*, that the same shall contain nothing inconsistent with the laws or constitution of this state or of the United States.

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

APPROVED February 21, 1861.



AN ACT to incorporate the Illinois Starch Company.

In force February  
7, 1861.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That John D. Caton, William H. W. Cushman, Andrew Lynch, Ebenezer Peck, and their associates, be incorporated by the name of "The Illinois Starch Company," with all the powers incident, necessary and useful to corporations; and, as such, they are authorized to carry on the business of manufacturing starch and other products, from maize and other grains, in the town of Ottawa, in the county of La Salle.

Name.

§ 2. The capital stock of said company shall not exceed two hundred thousand dollars, which may be divided into shares of one hundred dollars each, and made transferable.

Capital stock.

§ 3. The business of said corporation shall be managed by a board of directors, the number of which shall be fixed by the stockholders, at an annual meeting, to be held at such time as the corporators shall determine. The stockholders may pass such by-laws, for the management of the business of the said corporation, as they shall deem proper.

Directors.

APPROVED February 7, 1861.

AN ACT to incorporate the Macomb Stone Company.

In force February  
22, 1861.

*Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That Reuben Rowley, Charles Chandler, John Elting, Robert S. Rowley and John Clancy, and such other persons as shall become subscribers to the capital stock hereinafter mentioned, be and they are hereby created a body politic and corporate, by the style and name of "The Macomb Stone Company;" and by that name they and their successors shall have perpetual succession, and shall be capable of suing and being sued, pleading and being impleaded, answering and being answered unto, in all courts of law or equity; to have and use a common seal, and alter the same at their pleasure; to make and alter or revoke by-laws for the government of said company; to hold, buy, purchase and dispose of, in any manner, real estate, quarries or quarrying interests and personal property, of any description; and to have the right to pay, in the stock of the corporation, for such real estate, leases or quarries, as may be deemed necessary to purchase or obtain for the operations of the works of the company; to quarry stone, and to manufacture grindstones and whetstones, and to cut and saw stones for buildings and other purposes, to vend the same, and, generally, to do and perform all other proper and needful acts as done by corporations.

Corporate pow-  
ers.

Capital stock.	<i>Second.</i> —The capital stock of said company shall not be more than two hundred and fifty thousand dollars, which may be fixed and changed, within that limit, by the said company, at any time, and divided into shares of such an amount of representation par value thereof, as may be ordered by a vote of said company.	
Directors.	<i>Third.</i> —The said company may be organized, at any time, by the persons hereinbefore named, or a majority of them, and who shall certify such organization in the books of said company; and they shall be the first directors of said company and until others shall be elected in their stead under the by-laws thereof.	
Official certificates.	certifi-	<i>Fourth.</i> —Certified copies of the minutes, by-laws and records of said company, certified to be such by the president of said company, with or without the corporate seal of said company attached, shall become as <i>prima facie</i> evidence of the facts therein appearing in all courts.
Individual liability.		<i>Fifth.</i> —All the stockholders of said company shall be severally and individually liable to the creditors of said company, to an amount equal to the amount of stock held by them, respectively, for all debts of said company, and all contracts made by said company until the whole amount of capital stock fixed and issued from time to time by said company shall have been paid for.
APPROVED February 22, 1861.		

In force February 16, 1861. AN ACT to incorporate the Northwestern Agricultural Manufacturing Company.

Corporate name.	SECTION 1. <i>Be it enacted by the People of the State of Illinois, represented in the General Assembly,</i> That Bronson Murray, James Vanderen, Alexander Campbell and Orville N. Adams, and their associates, successors, heirs and assigns, are hereby created a body politic and corporate, by the name and style of "The Northwestern Agricultural Manufacturing Company;" and by that name they shall have perpetual succession, and shall be capable of contracting, and being contracted with, suing and being sued, defending and being defended, in all courts and places, and in all matters whatsoever, with full powers to acquire, hold, occupy and enjoy all such personal and real estate as may be necessary and proper for the construction, extension and usefulness of the works of said company and for the management and good government of the same; and they may have a common seal, and may alter the same at pleasure.	
Manufacturing privileges.	§ 2. The corporation hereby created shall have full power and authority to manufacture, in either of the coun-	

ties of La Salle, Macon or Morgan, or in all of said counties, all kinds of agricultural machines and implements, and to purchase, hold and sell all parent rights for the same. And said corporation, when organized, shall be under the direction of a board of directors—all stockholders in said company—one of whom shall be elected president. The directors shall have power to make such by-laws, rules and regulations, for the election of directors and for conducting the works and affairs of the company, as to them may seem necessary, not inconsistent with the constitution and laws of this state or of the United States, and may appoint such officers, agents and employees and prescribe the duties of the same, as they may deem necessary.

Rules and regulations.

§ 3. The capital stock of said company shall be fifty thousand dollars, to be divided into shares of fifty dollars each, to be subscribed and paid for as may be prescribed by the corporators above named, or their successors or assigns; but the capital stock of said company may be increased by the directors thereof to such sum as may be necessary for their objects, from time to time.

Capital stock.

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

APPROVED February 16, 1861.

AN ACT to incorporate the Tyler and Greenleaf Sewing Machine Company. In force February 22, 1861.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That Stephen G. Tyler, Miller T. Greenleaf, Charles Delescluze and L. G. Dupree, 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 Tyler and Greenleaf Sewing Machine Company;" and shall have perpetual succession; may have a common seal, and alter the same at pleasure; and, by the corporate name aforesaid, may contract and be contracted with, sue and be sued, implead and be impleaded; and acquire, hold, transfer and convey property, real and personal, and choses in action, and patents and patent rights, in the same way that natural persons by law may do.

Name and style.

§ 2. The capital stock of said company shall be one hundred and twenty-five thousand dollars, to be subscribed and paid for in manner hereafter provided, and shall be divided into shares of five hundred dollars each, which shall be transferable on the books of the company, in such manner as the company may by by-laws direct.

Capital stock.

§ 3. The said Stephen G. Tyler, Miller T. Greenleaf and Charles Delescluze are hereby appointed commission-

Subscriptions



ers, to receive subscriptions for stock in said company, and shall open proper books for that purpose, in the city of Quincy, Illinois, within sixty days after the passage of this act. Every subscriber for such stock shall pay to said commissioners twenty-five per cent. upon the amount of his subscription at the time of said subscription; and when the amount actually paid in shall amount to the sum of twelve thousand five hundred dollars, the said company shall go into operation, and shall organize, by the election of a president, secretary and treasurer, who shall, collectively, constitute the board of directors of the said company, and shall manage and control the business thereof, subject, however, to such by-laws as may be passed in conformity with this act.

Elections.

§ 4. At the election of the said board of directors each stockholder shall cast as many votes as he holds shares of the stock of said company; and a plurality shall elect. The board of directors shall be elected, annually, at a meeting of the stockholders, to be called by the president, of which meeting reasonable notice shall be given to the stockholders.

§ 5. The board of directors shall determine the manner and time of payments to be made upon the stock subscribed upon the books of the said commissioners; and the shares of stock which shall not be taken at or before the organization of the said company shall be the property of the company, to be disposed of as the corporation may by by-law direct.

Objects and business.

§ 6. The object and business of the said company shall be the manufacture and sale of sewing machines, and for that purpose it may use and exercise all and singular the corporate powers conferred upon it by section first of this act.

Rules and regulations.

§ 7. The stockholders, at their annual and special meetings, may adopt any and all by-laws and regulations concerning the business of said company and the disposal of its funds and property, not inconsistent with this act and the laws of this state, which by-laws and regulations shall be obligatory upon the board of directors, officers and members of said company.

Special meetings.

§ 8. Special meetings of the stockholders may be called, at any time, by the president or any two directors, but no business shall be transacted at any such special meeting, unless a majority of the shares subscribed be therein represented.

§ 9. At all meetings of the company stockholders may vote by proxy, and shall, in all cases, cast as many votes as they respectively hold shares of the capital stock of said company.

§ 10. This act shall take effect from its passage.

APPROVED February 22, 1861.

AN ACT to incorporate the Masonic Hall Stock Company of the City of Decatur. In force February 15, 1861.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That Jerome R. Gorin, John L. Adams, Henry Bishop, William L. Hammer, Charles H. Fuller, John N. Fuller, Isaac C. Pugh, Henry Schlaterman, George Goodman, James T. B. Stapp, Edward O. Smith, Thomas O. Smith, Peter M. Wykoff, William T. Stamper, Jasper J. Peddecord, Lowber Burrows, Samuel F. Greer, C. C. Burroughs, Henry Prather, Silas T. Trowbridge, Amherst M. Stratton, Joseph King, William J. Condell, Enos W. Henkle, Joseph Lowenstein, Peter Macqueen, Thomas H. Wingate, Henry Hummell, George W. Bright, Berry H. Cassell, James Simpson, Philip H. Miller, Dewitt C. Shockly, Richard F. Jones, John Leiby, William Martin, sen., and John Y. Braden, their associates and successors, are hereby declared a body corporate, by the name of "The Masonic Hall Stock Company of the City of Decatur;" and by that name shall have perpetual succession; and have power to contract and be contracted with, sue and be sued, plead and be impleaded, and in all courts and places; have a common seal, and alter the same at pleasure; and shall have power to make by-laws, not inconsistent with the laws of this state or of the United States.

Corporate name and powers.

§ 2. The capital stock of said company shall be ten thousand dollars, to be divided into shares of twenty-five dollars each. The capital stock may be increased, in the discretion of said company, to any amount, not exceeding twenty thousand dollars.

Capital stock.

§ 3. The corporate powers of said company shall be vested in seven directors, one of whom shall be president thereof, who shall hold their offices for one year, and until others are appointed in their stead. Annual meetings shall be held by the members of the corporation, for the choice of directors and other business that may come before them, at such time and place, in the city of Decatur, as a majority of directors shall appoint; and notice thereof shall be given in at least two of the papers printed in said city of Decatur, at least ten days previous to said meeting. And the first meeting shall be on the first Monday in March, A. D. 1861. The election shall be holden under the inspection of five stockholders, who shall not be directors, to be appointed by the directors, except those at the first meeting aforesaid, who shall be appointed by the stockholders. The election shall be by ballot, by a plurality of stockholders present, allowing one vote for every share; and stockholders not present may vote by proxy.

Directors.

Election of directors.

§ 4. The directors, so to be chosen, shall meet as soon as may be after such election, and shall choose one of their

President of the board.

body to be president, who shall preside for one year; and in the case of the death, resignation or inability to act of the president or any director, such vacancy or vacancies may be filled for the remainder of the year by the directors.

Real estate.

§ 5. Said company may hold real estate, not exceeding twenty thousand dollars, and lease and convey or mortgage the same; may borrow money and secure the same by bond and mortgage.

Transfer of stock.

§ 6. The stock of said company shall be assignable and transferable, or may be forfeited for nonpayment of assessments, according to such rules as shall be adopted in that behalf by the by-laws and ordinances thereof.

Certificates of stock.

§ 7. Upon the organization of such company, as afore-said, the directors shall cause certificates of stock to be issued to the said corporators, and others, in pursuance of the agreement heretofore had and now existing between them, to such parties as may have complied with said agreement.

Secretary and treasurer.

§ 8. The directors may appoint a secretary, a treasurer and other officers, who shall hold their offices for the term of one year and until their successors are appointed. The treasurer shall be required to give bond and security for the faithful discharge of the duties of his office, to be approved by the directors.

§ 9. This act to take effect from and after its passage.

APPROVED February 18, 1861.

In force February  
20, 1861.

AN ACT to incorporate the Merchants' Association of Chicago.

Corporate name.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That C. L. Harmon, J. C. Walter, William Blair, J. K. Botsford, Thomas Church, E. S. Waldsworth, Mathew Latlin, George Armour, George Steel, Thomas H. Beebe, R. M. Hough, Nelson Tuttle, Edward Hempstead, F. D. Gray, Eli Bates, Clinton Briggs, H. G. Powers, J. V. Clark, C. C. Parks, J. H. Reid, C. G. Wicker, George C. Cook, Joseph T. Ryerson, C. H. McCormick, and S. A. Smith, and their associates and successors, and all such persons as shall become stockholders in the company hereby created, shall be a body corporate, by the name of "The Merchants' Association;" and shall have succession, a common seal, power to plead and be impleaded, to appoint all necessary servants and assistants, and may have [and] enjoy exclusive all the powers necessary to carry out and execute the purposes and intents of this act.*

Amount of capital stock.

§ 2. The capital stock of said company shall be one million dollars, with power to increase the same to five



millions dollars, to be subscribed and paid for in the manner hereinafter provided, 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 only, in such manner as its by-laws may prescribe. Any three corporators, herein named, may open books for subscriptions. Ten dollars per share shall be paid upon subscribing; thirty dollars in thirty days; thirty dollars in sixty days, and thirty dollars in ninety days after the day of subscribing. All stock subscribed for before or at the time of electing directors, as hereinafter provided, shall be paid up, in full, within the time herein specified. As soon as an election shall be had for a board of directors the corporators who may have received the subscriptions shall pay over any moneys and hand over any subscriptions received by them on the capital stock.

§ 3. The said corporation shall have power to loan money and receive money on deposit and pay interest thereon and to loan the said money, at any rate of interest not exceeding the rate now or hereafter allowed by law to individuals, and to discount, in accordance with bank usages, (and, in the computation of time, thirty days shall be a month and twelve months a year,) and take security therefor, either real or personal, as the directors of said corporation may deem sufficient; and may buy and sell exchange, bills, notes, bonds or other securities; may buy and sell coin and bullion; may accept and execute all such trusts, whether fiduciary or otherwise, as shall or may be committed to it by the order and decrees of any court or tribunal or other constituted authority of the state of Illinois or of the United States; may make any special regulations, in relation to trust funds or depositors or parties interested, for accumulating or increasing the same, allowing and receiving such interest therefor, not greater than that hereinbefore specified, as may be agreed on; may purchase annuities, issue letters of credit and other commercial obligations. No clause herein shall be construed to authorize the issue of any bill, note or other obligation, in the similitude of bank notes or other evidences of debt, designed to be circulated as money; but the said corporation may, on settlement with other banks or bankers, issue certificates of money, to be accounted for, on demand, to bearer: *Provided*, that it shall at no time owe over one hundred thousand dollars on such certificates. Said company may act as agent in the collection of debts, the making of investments and loans of money for other corporations or individuals, for the purchase or sale of property, real or personal.

Losses, deposits  
and discounts.

§ 4. 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

Real estate.

in payment of loans and debts due or to become due to the said company; to purchase real estate, at any sale made in virtue or on account of any loan, debt or mortgage or trust made to or held by the said company, and to receive and take in satisfaction of any such loan or debts any real estate and to hold or convey the same.

Board of directors.

§ 5. The affairs of this company shall be managed by a board of not less than nine directors, who shall be stockholders in the company to the amount of not less than five thousand dollars each. Whenever the sum of one hundred thousand dollars of the capital stock shall have been actually paid in an election shall be held for directors, not less than five of whom shall form a quorum. The board of directors may elect one of their number president and one vice president. They may also appoint a secretary, cashier and such other officers, agents and servants as they may think proper, prescribe their powers, define their duties, and require them to give satisfactory security. They may make, ordain and establish such by-laws, rules and regulations as they may deem necessary to promote and transact the affairs and business of the company, not inconsistent with this act and the laws and constitution of this state and the United States. The remainder of the capital stock may be open to subscription, at such time and place or places as the directors may prescribe in the by-laws, and the same shall be paid in such time and manner as shall be provided therein.

Dividends.

§ 6. The board of directors shall have the power to declare dividends on the stock of the said company, from time to time, at any time after the accumulation of the profits of said company shall exceed five per cent. on the amount of the capital stock actually paid in: *Provided*, said dividends shall not reduce the surplus of profits of the company to less than five per cent. on the amount of the capital actually paid in.

Increase of capital stock.

§ 7. At any time after the full payment of the original capital of one million dollars into the company, as hereinbefore provided, the board of directors may increase the capital of the company to the amount limited, or any part thereof, in shares of one hundred dollars each, in such manner as they may deem proper; and said increase shall be subject to all the liabilities, immunities and privileges of the original stock, as provided in this act. The stockholders shall have the option of subscribing to such increased stock, *pro rata*, within such time as the directors may limit, of which due notice shall be given.

Real estate.

§ 8. That any real estate, acquired, in fee, by this corporation and not held in trust or as security, other than what shall be necessary for the convenient use of the same for the transaction of its business, shall not be held by the said corporation longer than five years, and shall, within that time, be sold and conveyed, either at public or private sale, so as

to divest the said corporation of the title to and fee of the same.

§ 9. Each stockholder in this corporation shall be liable to the creditors for the amount of his unpaid capital stock for all debts created during the time he holds such stock. Liability of stockholders.

§ 10. This act shall take effect and be in force from its passage, shall be deemed a public act, and noticed as such by all courts, and be liberally construed, to carry out the objects of this act.

APPROVED February 20, 1861.

AN ACT to change the name of James Peets to James Eads and William Peets to William Eads, and make them heirs at law of James Adair Eads. In force February 22, 1861.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the name of James Peets be changed to that of James Eads, and the name of William Peets be changed to that of William Eads.

§ 2. That the said James Eads and William Eads shall be and they are hereby declared to be entitled to all the rights that would belong or pertain to them were they the sons of the said James Adair Eads.

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

APPROVED February 22, 1861.

AN ACT concerning the Collinsville Plank Road Company.

In force February 20, 1861.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the president and directors of the Collinsville Plank Road Company be and they are hereby authorized to dispose of or sell their railroad bed, right of way, bridges, toll houses, real estate, franchises, or other property, after giving at least thirty days' notice of such sale in some newspaper published in each of the counties through which said road may pass; and such sale shall be approved by the president and directors of said company. Sale of the road.

§ 2. That in conveying or transferring the property of said company the conveyance or transfer shall be signed by the president and countersigned by the secretary, and shall be acknowledged before a justice of the peace or some other Mode of transfer.



officer authorized by law to take acknowledgments of deeds, and shall be recorded in the recorder's office of Madison and St. Clair counties, and shall be taken and deemed, when so executed, as a good and valid transfer of all the real estate, personal or mixed, belonging to said company.

§ 3. That the purchaser or purchasers of said road, franchises or other property belonging to the said company, under said sale, shall be deemed the successor in law of the said company, and shall have and enjoy the rights, privileges, franchises and immunities granted to the same.

Relocation.

§ 4. The said plank road company, or the purchaser at the sale made by said company, shall have full power to change or relocate so much of said road, which is most subject to overflow, under the same proceedings for obtaining right of way as is or may be provided in the general plank road law of this state and the amendments thereto, and, also, shall have the right to vacate so much of said road as lies southwest of the Belleville turnpike, in said county; and, also, shall have the right to demand, collect and receive such tolls as are authorized to be charged by the American Bottom Plank Road Company, and the right to sue for and collect the same before any court having jurisdiction thereof, as now provided or hereafter to be provided by law.

Lease.

§ 5. The leasing of said plank road and its property, franchises and immunities, heretofore made by said company to Daniel D. Collins, is hereby ratified, confirmed and held for good and valid in law, in all courts of law and equity, according to the terms and effect of said leasing; and any sale made by said company shall be made subject to the rights of said Collins in the premises; and in case no sale is made by said company, under the provisions of this act, said Collins or his assigns may have and exercise all the rights, powers and immunities, and be entitled to all the tolls and charges as said company could have exercised or were entitled to, in pursuance with his said lease and the provisions of this act, and shall, also, have the same power to change, relocate and vacate said road as is provided in this act in relation to the said company or the purchaser at sale made by said company.

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

APPROVED February 20, 1861.

In force February  
21, 1861.

AN ACT in relation to the Albion and Grayville Plank Road Company.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That the Albion and Grayville Plank Road Company be allowed to*

charge and collect the same rate of tolls as are now allowed by the general plank road law of the state of Illinois.

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

APPROVED February 21, 1861.

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AN ACT to authorize the sale of the Belleville and Mascoutah Plank Road. In force February 22, 1861.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the Belleville and Mascoutah Plank Road Company are hereby authorized and empowered to let, lease or convey to any person or persons, corporation or county, in this state, for such interest, rent or price as may be agreed upon with the president and directors of said company, said plank road, with all the land, right of way and privileges of said company. Any person, company, corporation or county, buying said plank road shall, thereby, be fully vested with all the rights, privileges and immunities now enjoyed by said plank road company: *Provided, however,* that no such sale shall be valid unless sanctioned by two-thirds of the stockholders, in amount of stock, and shall have been executed and acknowledged by the president of said company before an officer competent of taking acknowledgments of deeds.

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

APPROVED February 22, 1861.

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AN ACT granting right of way to the Galena and Mineral Point Plank Road Company. In force February 21, 1861.

WHEREAS certain parties, acting under and by virtue of an act of the legislature of the state of Illinois, approved February 12th, 1849, entitled "An act for the construction of plank roads by general law," and of the subsequent act of the said legislature, amendatory of said act of February 12th, 1849, did form and constitute themselves into an association, for the purpose of building and constructing a plank road from Franklin street, in the city of Galena, to the north boundary line of the state of Illinois, at or near where the Mineral Point road crosses the same, and to pass through townships number twenty-eight and twenty-nine, in range one west of the fourth principal meridian; and whereas the said certain parties have

formed themselves into a company, under the name and style of "The Galena and Mineral Point Plank Road Company," for the purpose of building the plank road above described, and have built the same, using a portion of the public road therefor; and whereas said company find it impossible to keep up said plank road, unless they have the exclusive right to said public road on which said plank road is now built; therefore,

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That said Galena and Mineral Point Plank Road Company shall have the exclusive right to use and the exclusive control of the whole width of the public road on which said plank road is now built, the entire length of said plank road: *Provided*, said company shall reduce the rates of toll now allowed by law twenty per cent.: *And provided, further*, that all persons residing on the line of said plank road shall have the privilege of doing their highway work on said plank road, under the direction and supervision of the board of directors of said plank road company; and the labor so done shall apply, as far as the same will go, in commutation of tolls, for the use of said plank road.

§ 2. No rights or privileges granted by this act shall inure to the benefit of said corporation until this act shall have been approved by the vote of a majority of the board of supervisors of Jo Daviess county, at a regular meeting of said board, to be recorded on their journals, and a copy filed in the office of said company.

APPROVED February 21, 1861.

Reduction of taxes.

Vote of supervisors.

In force February 22, 1861. AN ACT to confirm the union and consolidation of certain railroad charters and companies therein named.

WHEREAS the charter of the Alton, Mount Carmel and New Albany Railroad Company grants full power and authority to that company to construct their line of railroad from St. Louis, in the state of Missouri, to Louisville, in the state of Kentucky; and whereas the legislature of the state of Illinois passed an act to incorporate the Belleville and Fairfield Railroad Company, approved February 15, 1855, thereby authorizing said last named company to construct about ninety miles of the above and first named line of railroad; and whereas the legislature of the state of Illinois afterwards passed another act, entitled "An act to amend an act to incorporate the Belleville and Fairfield Railroad Company, and to change its name," approved February 11, 1857, in which act full



power and authority is also conferred upon the said Belleville and Fairfield Railroad Company to construct the whole length of the said St. Louis and Louisville railroad, thus giving to each and to both of the two above named separate railroad companies full power and authority to construct the same line of railroad, all the way from St. Louis, in Missouri, to Louisville, in Kentucky; therefore, for the purpose of avoiding and preventing any opposing or conflicting interests or divisions, arising from the several charters above named, authorizing the construction of the same railroad from St. Louis to Louisville by the above named two separate and distinct railroad companies, and for the purpose of harmonizing and uniting all the friends of the said line of railroad from St. Louis to Louisville, the following commissioners and directors, named in the said Belleville and Fairfield railroad charter, did make, execute, sign and seal certain articles contained in a deed of agreement, dated the February 26, 1859, for the purpose of joining, uniting, consolidating and merging into one charter and into one company, all the aforesaid Belleville and Fairfield railroad charters and companies with and into the said Alton, Mount Carmel and New Albany railroad charter and company, to wit: Henry Godekin, Russell Hinckley, John Maus, Edward Tittman, William H. Phillips, A. D. Hay, A. Watts, C. O. B. Goforth, James H. Beall, Hiram Bell, Daniel Turney, John Keen, sr., William Pickering, William Runcie, Charles Schofield, T. M. Casey, Demsey Kennedy and John Moore, for and in behalf of the said Belleville and Fairfield railroad charters and company; and, afterwards, to wit: on the 15 day of March, 1859, the president and a majority of the board of directors of the said Alton, Mount Carmel and New Albany Railroad Company, viz: William Pickering, William Runcie, Charles Schofield, George J. Johns and William Schofield, for and on behalf of the said last named company, did, also, make, execute, sign and seal a certain deed of agreement and acceptance, for the purpose of effectually joining, uniting, consolidating and merging the whole of the aforesaid Belleville and Fairfield railroad charters and company with and into the said Alton, Mount Carmel and New Albany railroad charter and company; and both of the aforesaid deeds were duly filed and recorded in the office of the secretary of state, in the city of Springfield, Illinois, on the 8 day of April, 1859, thereby fully and legally uniting, consolidating, merging and joining together all the aforesaid railroad charters and companies, agreeably to the requirements of the general law made and provided for in such cases approved; and to prevent any doubt arising

as to the sufficiency of said articles and deeds of agreement, union and consolidation, therefore,

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the articles and deeds of agreement uniting, consolidating, merging and joining together the said Belleville and Fairfield railroad charters and company and the said Alton, Mount Carmel and New Albany railroad charters and company, made and executed by and between the aforesaid railroad companies, on the 26 day of February, 1859, and on the 15 day of March, 1859, and duly filed and recorded in the office of the secretary of state, in Springfield, Illinois, on the 8 day of April, 1859, be and the same is hereby ratified, sanctioned, confirmed and approved; and, henceforward, all the rights, powers, interest, property, franchises, times, privileges and immunities granted and in any way belonging or appertaining to either and to both of said railroad charters and companies, shall forever be vested in and owned by the said Alton, Mount Carmel and New Albany Railroad Company, and their successors, as fully and completely as if the same had been originally granted and given in one charter to the said last named company: *Provided*, that nothing contained in this bill shall be so construed as to interfere with or affect the present title to the swamp and overflowed lands within the limits of Wayne county, Illinois: *And provided, further*, that nothing in this act shall interfere with the rights granted to the Ashley and Mount Vernon Railroad Company.

§ 2. The act entitled "An act to continue the charter of the Alton, Mount Carmel and New Albany Railroad Company," approved February 15, 1851, be and the same is hereby re-enacted, renewed, revived and extended; and the times allowed, authorized and provided therein for the commencement, completion and continuance of said railroad shall be severally computed from the date of the passage of this act.

§ 3. That whenever the said united and consolidated Alton, Mount Carmel and New Albany Railroad Company shall desire to change the name and title thereof to that of the St. Louis and Louisville Railroad Company, the same shall be done by the president and majority of the board of directors of said company passing a resolution for that purpose, and recording the same upon the books of said company, and filing a copy thereof with the secretary of state, in the city of Springfield, Illinois; and thereafter the said newly named company shall have and enjoy perpetual succession; by that name and title shall sue and be sued, plead and be impleaded, in all courts of law and equity, and shall hold, possess and enjoy all the immunities, rights, powers, interest, property, franchises and privileges that

Consolidation legalized.

Swamp lands of Wayne county.

Change of name.

are given, granted and conferred by each and all of the above named charters.

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

APPROVED February 22, 1861.

AN ACT to incorporate the Ashley and Mount Vernon Railroad Company. In force February 21, 1861.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That all such persons and corporations as shall become stockholders under the provisions of this act, and their successors, be and they are hereby made a body politic and corporate, by the name of "The Ashley and Mount Vernon Railroad Company," Name. and shall be vested with all the rights and powers usual and incident to corporations, and necessary to carry out the object of this act.

§ 2. The capital stock of this company shall be five Capital stock. hundred thousand dollars, with power to increase the same, from time to time, to such amounts as may be necessary to complete and operate the railroad herein authorized. It may be divided into shares of one hundred dollars. Each share shall entitle the holder to one vote.

§ 3. When an amount of the capital stock equal to one Election of directors. thousand dollars per mile shall have been subscribed, the shareholders may meet at Mount Vernon, and elect a board of directors, of not less than seven, and as many more as they may then, and from time to time, at their annual meetings, determine upon, under the by-laws. The board of directors so elected, and their successors, shall have and exercise all the powers of the corporation, including every power necessary to accomplish the objects of this act, and may, for that purpose, adopt by-laws, rules and regulations for the management, government and control of all the property and affairs of the corporation: *Provided*, the stockholders may limit and restrict their powers in such manner as they may deem proper.

§ 4. The corporation may take, hold and convey such Real estate. real estate and personal property as may be deemed necessary to carry out the objects of this act, in acquiring the right of way and depot grounds and buildings, equipping, maintaining and operating a railroad, from Ashley, in Washington county, to Mount Vernon, in Jefferson county, with single or double tracks, with all convenient turnouts, side tracks, stations, depots, machine shops, and other buildings and structures.

§ 5. For the purpose of acquiring the necessary lands Right of way. for a right of way, not exceeding one hundred feet wide,



and for turnouts, side tracks, stations, depots, and other structures and buildings, and for materials to build, ballast and repair the same, or any of them, in case of disagreement as to price between the company, by its agents, and the owner or owners, the same may be condemned, taken and used, under the provisions of "An act to amend the law condemning the right of way for purposes of internal improvement," approved June 22, 1852.

Appointment of  
commissioners.

§ 6. All the rights, powers and privileges created, conferred, authorized or imposed by the provisions of the eleventh section of "An act to incorporate the Illinois Central Railroad Company," approved February 10, 1851, are hereby created, conferred, authorized and imposed upon this company: *Provided*, any judge of a circuit court, instead of the judge of the district court of the United States, may appoint the third person as commissioner, in case of a disagreement between the commissioners: *And provided, further*, that in case either company refuse or neglect, for one month after the request of the other to appoint or choose one commissioner, as therein provided, then any circuit judge may appoint such commissioner also.

Borrowing of money.

§ 7. The corporation may borrow such sums of money as they may deem necessary, and upon such terms as they may agree, for the carrying out the objects of this act, and may provide any security therefor they think best, by bond and mortgage, or otherwise.

Issuing of bonds.

§ 8. The county court of Jefferson county is hereby authorized and empowered to subscribe for such amount of the capital stock of the said company as they may think proper; they may issue bonds and provide for the payment of the principal and interest thereof by sale or mortgage (one or both) of the swamp and overflowed lands of said county, and dispose of such bonds, for money, to pay their subscription to said stock; all and each to be upon such time and terms and in such mode as they may deem best; or they may make such other disposition of said swamp lands, in aid of the construction and maintenance of said railroad, as they may deem best for the public interest of said county. The powers herein conferred shall extend to the said swamp lands and their proceeds, as the same are now in the hands of the trustee for the benefit of the Mount Vernon Railroad Company. And all the provisions of the act entitled "An act to incorporate the Mount Vernon Railroad Company," approved February 15, 1855, enabling and empowering the county to dispose of said lands to that company, and be applied to the company hereby created; and said lands and proceeds may be given to said railroad, to aid in the construction of such road, upon such terms and conditions as to the county court of said county may seem for the public good; and the power hereby conferred

upon the county court shall continue and may be exercised at any time within ten years from the passage of this act.

§ 9. Zadoc Casey, Harvey T. Pace, John R. Allen, William D. Green, Tazewell B. Tanner, Charles T. Pace, Noah Johnston, or any three of them, may open books for the subscriptions to the capital stock of said company, and, the requisite amount being subscribed, may hold an election for directors, upon giving ten days' notice; and any three of said commissioners may hold said election, and may make and return a certificate of such election to the county court, and another to the directors elected; each certificate shall be recorded upon the books, the one of the county court and the other of the company. Books of sub-  
scription.

§ 10. The stock shall be personal property, and transferable upon the books of the company, as may be provided by the by-laws. This act shall be noticed by all courts, and liberally construed, and take effect from its passage.

APPROVED February 21, 1861.

AN ACT to incorporate the Belleville and Eldorado Railroad Company.

In force February  
22, 1861.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That William K. Parrish, Tilman B. Cantrell, William Trizell, John D. Wood, Samuel K. Casey, A. D. Duff, Dr. Jacob Smith, Henry Weber, William Watkins, Parker Massey, William H. Parrish, Voltair Chaesser, Warner E. Burnett, Willis A. Stricklin, William Thomsberry, Valentine Rathbone, Richard N. Warfield, Willie Elder, Nathaniel Bramlet, William Hall, George E. Burnett and William Elder, and their heirs, successors and assigns, are created a body politic and corporate, under the name and style of "The Belleville and Eldorado Railroad Company;" and in that character shall have perpetual existence and succession; and shall possess all the powers, privileges, immunities and rights incident to corporations and necessary to carry into effect the objects and purposes of this act, which is to lay out, build, construct, equip, complete and continue in operation a railroad, from Belleville, in St. Clair county, by way of Benton, in Franklin county, and Galatia and Raleigh, and to Eldorado, in Saline county; and they may cross any railroad or railroad line, now laid out or hereafter to be laid out in this state; and they may make connections with any railroad on the line or at either terminus, on such terms as may be mutually agreed upon between the parties; or, if they cannot agree, they may have the same referred. Name.

Capital stock.

§ 2. The capital stock of said company shall be one million of dollars, and may be increased, at any time, by a majority of the legal votes of said company voting in favor of such increase: *Provided*, notice of such intended vote shall have been published in some public newspaper published on or nearest said railroad line at least thirty days before the day of voting thereon. Said capital stock shall be divided into shares of one hundred dollars each, and each share on which there are no unpaid calls shall entitle the *bona fide* owner thereof to one vote, either in person or by legal proxy, in all elections for directors or for increasing the capital stock of said company, and on such other subjects as may be provided for by the by-laws and regulations of said company.

Books for subscription.

§ 3. Said company may organize by opening books for the subscription of stock and elect their board of directors, to consist of seven at any time, after the [passage] of this act, by giving notice of the time and place of said election, by publishing notice thereof in some newspaper published nearest the center of the line of said road and having a copy of the same directed to each member of said company at least thirty days before the day set for such organization.

Location and building of road.

§ 4. Said company shall [have] power, when, in their discretion, they have a sufficient amount of capital stock subscribed, to proceed to lay out, locate, construct, build, equip, complete and operate their railroad; and, for that purpose, may take, use, occupy, condemn and own any lands, earth, gravel, sand, stone or other material, for two hundred feet wide along the whole length of said road: *Provided*, the same is condemned in pursuance of the requirements of the laws now in force for condemning lands for railroad purposes, in this state; or they may mutually agree with the owner of such property or receive the same as gifts, grants or donation.

County and town subscriptions.

§ 5. Any incorporated city, town or county, situate on or near the line of said road, may subscribe to the capital stock of said company any sum, not exceeding one hundred thousand dollars: *Provided*, a majority of the legal voters, voting on that question, shall have voted in favor of such subscription, if the notice given and the election held shall have been in conformity with the laws in regard to other special elections; and, to this end, the county court or board of supervisors may, from time to [time,] order election and specify the amount proposed to be subscribed, as they may deem expedient; and the clerks of the county court or board of supervisors shall receive the poll books and canvass the votes and report the same, as in other elections.

Corporate powers

§ 6. Said company may have a common seal, and alter the same at pleasure; and the board of directors may make such by-laws and regulations as they may deem expedient for the government of said company, not inconsistent with the constitution or laws of the United States or of this state;



and they may issue the bonds of the company and negotiate the same and mortgage the property of said company, both real or personal, or mixed, for the payment of said bonds or any part thereof.

§ 7. All the rights, privileges and immunities necessary to carry into effect the provisions of this act, not granted herein, may be obtained under the laws now in force in this state.

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

APPROVED February 22, 1861.

AN ACT to amend the charter of the Belleville and Southern Illinois Railroad, In force February 21, 1861.  
approved February 14, 1857.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the second section of the charter of the Belleville and Southern Illinois Railroad, approved February 14, 1857, be and the same is hereby amended, so as to strike out the words "shares of one hundred dollars each" and insert instead thereof the words "shares of fifty dollars each."

Shares of stock.

§ 2. That the sixth section of the above named charter be and the same is hereby amended, so as to strike out the words "whenever a hundred thousand dollars shall be subscribed" and insert instead thereof the words "whenever fifty thousand dollars shall be subscribed."

§ 3. That the eighteenth section of the above named charter be and the same is hereby amended, so as to strike out the words "within five years and complete the same within eight years" and insert instead thereof the words "within ten years and complete the same within fifteen years."

APPROVED February 21, 1861.

AN ACT to incorporate the Chicago and Evanston Railroad Company.

In force February 16, 1861.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That James G. Hamilton, George W. Thompson, Orrington Lunt, Hugh T. Dickey, Jabez K. Bottsford, S. B. Chase, Henry Smith, Edwin Haskins, Thomas C. Hoag, Isaac N. Arnold, J. F. Willard, and John Evans, and their associates, who

may be such by becoming stockholders in this company, and their successors, be and they are hereby created a body politic and corporate, by the name and style of "The Chicago and Evanston Railroad Company," with power to sue and be sued, plead and be impleaded, to adopt a common seal and alter it at pleasure; to adopt such by-laws, rules and regulations as they may deem expedient; and to have and exercise all other rights and powers necessary to carry out the intentions of this act.

Name.

General powers.

§ 2. They shall have power to locate, construct, maintain and operate, with horse power or locomotive cars, from the city of Chicago to any point in the town of Evanston, a railroad, with single or double track, turnouts, sidings, depots and all other necessary appliances. They may contract with the North Chicago Horse Railroad Company or any other company or party to operate their road or the road of such other party, either separately or jointly, as may be agreed upon. They may acquire, by donation, stock subscription, or purchase, dispose of and convey, as they may deem expedient, real estate, not to exceed in value on hand at any one time the capital stock of the company; and, for the purpose of carrying out the intentions of this act, they shall have power to borrow money, not to exceed in amount the capital stock of the company, and to secure the payment thereof by pledge or mortgage of any or all of its property, rights, credits and franchises. No authority is or shall be granted to said company or to any other corporation or party, by the city of Chicago, to lay any railroad track in Wells, Dearborn, Walcott, Cass, Rush, Pine, North or South Clark streets, or in Wabash or Michigan avenues, in the city of Chicago; but the laying of the same is hereby expressly prohibited.

Laying of track.

Capital stock.

§ 3. The capital stock of the company shall be one hundred thousand dollars, which shall be divided into shares of one hundred dollars each. It may be increased, by a two-thirds vote of all the stock of the company, at any regular meeting of the stockholders, to an amount not to exceed three hundred thousand dollars. Books may be opened for subscriptions to the stock of the company, as may be deemed expedient by the board of directors.

Directors.

§ 4. The affairs of the company shall be managed by a board of twelve directors, a majority of whom shall form a quorum. After the expiration of the term of the first board they shall be elected, annually, by the stockholders, as may be provided in the by-laws, and shall hold their office for one year, and until their successors are elected. The persons herein named as incorporators shall be the first board of directors.

Right of way.

§ 5. In procuring the right of way for said railroad they shall be entitled to such privileges and rights to cross or

run along highways as may be granted by the commissioners of highways of the towns through which it may pass; and, when, on account of nonresidence, minority or other disability to sell, on the part of owners of property, or where parties refuse to grant their property, or fail to agree as to compensation for the right of way or depot grounds, said company may condemn and take the same, according to the provisions of "An act to amend the law condemning the right of way for purposes of internal improvements," approved June 22, 1852.

§ 6. This act shall take effect and be in force from and after its passage, and continue for fifty years.

APPROVED February 16, 1861.

AN ACT to incorporate the Chicago and Alton Railroad Company.

In force February  
18, 1861.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That James Robb, Charles Moran, Adrian Iselin, Nathan Peck, Louis Von Hoffman, Lewis H. Meyer, Septimus Crookes, William B. Ogden, Jacob Bunn, J. J. Mitchell, Joseph B. White and E. M. Gilbert, be and are hereby constituted commissioners, with power to organize a corporation, to be styled "The Chicago and Alton Railroad Company," subject to all the conditions, franchises, rights and privileges conferred by this act.

Corporators.

§ 2. That the commissioners named in this act, or a majority of them, shall have power to acquire, for themselves and their associates, by purchase, transfer or conveyance, all and singular the railroad and all its property, real and personal, with the corporate rights, franchises, rights, privileges and effects, now or hereafter belonging to, or owned, or vested in the Alton and Sangamon Railroad Company, afterwards called the Chicago and Mississippi Railroad Company, and also the Chicago, Alton and St. Louis Railroad Company.

Transfer of cer-  
tain R. R. pro-  
perty.

§ 3. That whenever the commissioners named in this act shall have filed in the office of the secretary of state evidence of their being in legal possession of the railroad and property described in the foregoing section of this act, together with a certificate of the judge of the United States Circuit Court for the Northern District of Illinois, that the liens secured and payments ordered to be made by the decree or order of said court, entered of record on the thirtieth day of November, A. D. 1859, and orders heretofore entered amendatory of and supplemental to said decree, have been fully paid or otherwise settled, to the satisfaction

Organization and  
name.



of the parties interested therein, they, their successors, associates and assigns shall be and are hereby created a corporation and body politic, by the name, style and title of "The Chicago and Alton Railroad Company;" and by that name and style shall have perpetual succession; and shall be capable in law of suing and being sued, to plead and be impleaded; to make and use a common seal, to alter and renew the same at pleasure; and to do and perform all such acts, and to make all such contracts, proper and necessary for the successful operation of the railroad referred to in this act; and such commissioners shall act as the first board of directors of said corporation, and shall elect from their body a president, who, with themselves, shall serve until their successors are appointed, as hereinafter provided.

Chief office.

§ 4. That the chief office of said corporation shall be in the city of Chicago; and the board of directors named in this act shall serve until the first Monday in April, 1862, when an election of their successors shall be held in the city of Chicago, at the office of the corporation, under the control of three commissioners, appointed by the directors named in this act; and said election shall be preceded by thirty days' notice, published in one or more newspapers, printed in the cities of Chicago and New York. The said board shall be composed of seven directors, a majority of whom shall be citizens of the state of Illinois; each director shall be a *bona fide* stockholder and the owner of at least one hundred shares of the stock of the corporation. A failure to elect directors shall not dissolve the corporation, but the directors in office shall continue the exercise of their functions until a new board is duly elected; and any vacancy occurring, otherwise than by the limitation provided in this act, may be filled by a vote of members of said board continuing to act as as such.

Issuing of bonds.

§ 5. That the president and directors of said corporation shall have power and are hereby authorized, in virtue of an agreement made, had and concluded, on the tenth day of January. A. D. 1860, in the city and state of New York, by and between the bondholders of the Chicago and Mississippi Railroad Company and the Chicago, Alton and St. Louis Railroad Company, to issue first mortgage bonds, income bonds, preferred stock, and common stock; and a majority of the bondholders of the aforesaid corporations, who are parties to said agreement, may amend and alter its stipulations in any manner, not inconsistent with the provisions of this act: *Provided, nevertheless*, a certified copy of said agreement shall be recorded in the office of the secretary of state of this state previous to the issue of said first mortgage bonds, income bonds, preference stock and common stock.

Adjustment of debts.

§ 6. That the president and directors of said corporation shall have power to assume, compromise or adjust any debts

or liabilities of the corporations which held or controlled said railroad prior to its sale and purchase by the commissioners named in this act.

§ 7. That the president and directors of said corporation shall have power and are hereby authorized to create a first mortgage or lien upon its entire property, real and personal, and its franchises, rights and privileges, to secure the payment of its first mortgage bonds; and, the more effectually to secure said bonds, any purchaser or purchasers under said first mortgage or the railroad of said corporation and of its property, real and personal, shall, in virtue of such purchase and from the date thereof, shall be vested with all the franchises, rights and privileges conferred by this act, with power to use, enjoy and maintain the same, as the successor or successors in office of the board of directors authorized and provided for in this act, and as fully as said board could do. First mortgage.

§ 8. That the president and directors shall not have power to make or execute any mortgage, lien or deed of trust, except for the purposes authorized in section 7 of this act; nor shall they issue or create any income bonds, preferred stock or common stock, except for the purposes as provided for in an agreement by and between the bondholders of the Chicago and Mississippi Railroad Company and the Chicago, Alton and St. Louis Railroad Company, a duly certified copy of which shall be recorded in the office of secretary of state of this state.

§ 9. That the capital stock of said corporation shall be represented by the preferred stock and common stock, as provided for in section 8 of this act; but the same may be increased by the president and directors of said corporation, by and with the consent, in writing, of three-fourths of its stockholders. Stock.

§ 10. That the president and directors of said corporation shall not have power to create any debts or liabilities, without the consent, in writing, of three-fourths of its stockholders, except those incurred for necessary supplies in operating said road, and as provided in the fifth section of this act. Debts and liabilities.

§ 11. That the president and directors of said corporation, by and with the written consent of a majority of its stockholders, shall have power to acquire, by lease, purchase or otherwise, any extension of its road necessary and proper to its business; and all the property so acquired shall become part of the property of said corporation, and shall be as fully [subject] to the provisions of this act as if the same constituted part of the original purchase by said commissioners hereinbefore named; and said corporation, hereby created, shall renew the lease now subsisting between the Joliet and Chicago Railroad Company and James Robb and Charles Congdon, receivers of the St. Louis, Alton and Chicago railroad, and upon such terms and conditions as may Leasing of other railroad property.

be agreed upon by and between the proper officers of said companies; and in case such officers shall be unable to agree on such terms, then each of said companies shall appoint an arbitrator or referee, who shall be disinterested persons; and in case such arbitrators or referees shall be unable to agree, they shall appoint an umpire, whose award shall be final.

Election by stockholders.

§ 12. That at all meetings of stockholders of said corporation, convened for the election of its directors, or for other purposes, each holder or holders of its first mortgage and income bonds shall be entitled to votes corresponding to the number of said bonds which he, she or they may hold at the time of holding said meetings: *And, it is further provided*, that each and every share of stock of the corporation shall be entitled to one vote, at all meetings of its stockholders, and shall be voted in person or by proxy.

Rates of transportation.

§ 13. That the president and directors of said corporation shall have power to do everything necessary to preserve and maintain its railroad property and effects, not inconsistent with the provisions of this act, and may prescribe by-laws for the government of its officers, fix the rates of toll in the transportation of freight and passengers over its railroad, and ordain rules and regulations for the division of its profits, and the mode and manner of keeping books for the transfer of its stock.

Annual statements.

§ 14. That the president and directors of said corporation shall submit to a meeting of stockholders, to be convened in the cities of New York or Chicago, one month before an election of directors, a complete statement of its operations for the preceding year; which shall be examined, with the accounts of said corporation, by a committee of three stockholders, appointed at said meeting, and who shall report, in writing, on the accounts and affairs of the corporation at the meeting convened to elect its directors.

§ 15. That the filing or recording in the office of the secretary of state of the state of Illinois, by the commissioners named in this act, or the survivors of them, of the certificates described and designated in the third section of this act, shall be construed as the assent of the parties in interest to their act of incorporation, which shall take effect from and after the filing of said certificate.

Existing debts.

§ 16. Nothing contained in this act shall alter or impair the existing rights of any creditor or creditors of the several corporations heretofore known as the Chicago and Mississippi Railroad Company, the Alton and Sangamon Railroad Company, the Chicago and St. Louis Railroad Company, and the St. Louis, Alton and Chicago Railroad Company, to prosecute and enforce against such corporations any claim or demand, whatever, either in law or equity, against such companies.

APPROVED February 18, 1861.



AN ACT to incorporate the Fulton City, Mount Carroll and Freeport Railroad Company. In force February 20, 1861.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That John A. Melendy, Samuel S. Dunn, Adam Nase, Henry A. Mills, Henry Ashway, Duncan Macay, James Marks, Monroe Bailey, John Phelps, Charles Wheeler, Volney Armour, Benjamin P. Miller, Ingram G. Garner, John A. Clark, John F. Ankney, and their heirs, associates, successors and assigns, be and they are hereby created a body politic and corporate, by the name and style of "The Fulton City, Mount Carroll and Freeport Railroad Company," with perpetual succession; and by that name and style shall be capable, in law, of taking, purchasing, holding, leasing, selling and conveying real and personal property, so far as the same may be necessary for the purpose hereinafter mentioned; and in their said corporate name, to sue and be sued, plead and be impleaded, in any court of law or equity in this state or any other place; to have a common seal, which they may alter or renew at pleasure; to have a capital stock of one million of dollars, to be divided into shares of one hundred dollars each, which said capital may be increased, from time to time, by a vote of a majority of the directors of this corporation, to any sum requisite for the completion and fulfillment of the objects and purposes of the corporation hereby created. And said above named persons shall be and constitute the first board of directors, and may have and exercise all powers, rights, privileges and immunities which are or may be necessary to carry into effect the purposes and objects of this act as hereinafter set forth. Name.

§ 2. Said directors shall organize the board as soon as practicable after the passage of this act, by electing one of their number president and by appointing a secretary and treasurer; which organization shall be certified by said directors or a majority of them; and such certificate shall be recorded in the record book of said company; and said record shall be sufficient evidence of such organization, and a certified copy thereof, under the seal of said corporation, shall be received in all the courts of this state as evidence of the facts therein stated. And said directors shall hold their offices until the first Monday of August following their organization, and until their successors shall be elected and qualified, as by the by-laws provided. All vacancies in said board may be filled by a vote of two-thirds of the directors present at any regular meeting of the board or at a special meeting called for that purpose. Capital stock.

§ 3. The said company are hereby authorized and empowered to locate, and from time to time to alter, change, relocate, construct, reconstruct and fully to finish, perfect and maintain a railroad, with one or more tracks, commen- Officers of the board.

Construction of road.

cing at or near Fulton City, in the county of Whiteside; thence, by way of the incorporated town of Mount Carroll, in the county of Carroll, to the city of Freeport, in the county of Stephenson. And the said company are further authorized to use and operate said railroad; and shall have power and authority to regulate the time and manner in which goods, effects and persons shall be transported on the same; and to prescribe the manner in which said railroad shall be used, and the rate of toll for the transportation of all persons or property thereon, and for the storage of merchandise and other property under their charge; and shall have power to provide all necessary stock and materials for the operation of said road; and shall have power to erect and maintain all necessary depots, stations, shops and other buildings and machinery, for the accommodation, management and operation of said road.

Books for subscription.

§ 4. Said directors shall, as soon after the passage of this act as practicable, open books for the purpose of receiving subscription to the capital stock of said company, at such places along the line of said road and elsewhere, as said directors shall determine, under the direction of such agents as said directors shall appoint; and said books shall be kept open, from time to time, until the amount of said capital stock shall be subscribed or until said directors shall determine to close the same.

Town and county subscription.

§ 5. That the several towns, cities, or counties through or near which said road shall pass, may subscribe for and take stock in this company: *Provided*, that no such subscription shall be made unless a majority of the legal voters of said town, city or county shall vote for the same, at an election to be held under order of the county court or board of supervisors in case of counties, and of the corporate authorities in case of towns and cities.

Right of way.

§ 6. This company is hereby authorized, for the purpose of procuring the right of way for said road, to proceed under the act to provide for a general system of railroad incorporations, approved November 5th, 1849, and under the act amendatory to said act, approved June 22d, 1852, for the condemnation of lands by incorporated companies.

Issuing of bonds.

§ 7. Said road and its appendages, or any part thereof, or any other property or effects, rights, credits or franchises of the said company, as security for any loan of money and interest thereon, and to dispose of the bonds issued for such loans, at such rates and on such terms as two-thirds of the directors may determine; and may make such bonds convertible into the capital stock of said company, at the option of the holder; and may provide a sinking fund for the redemption of said road out of the earnings of said road.

Rules and regulations.

§ 8. Said company shall have power to make, ordain and establish such by-laws, rules and regulations as may be deemed expedient and necessary, to fulfill the purpose

and carry into effect the provisions of this act: *Provided*, that the same be not repugnant to the constitution and laws of the United States and this state.

§ 9. Said company shall have power to unite its railroad, in whole or in part, with any other railroad or railroads, now constructed, or which may hereafter be constructed, coming in contact therewith, and to grant any such company or companies the right to construct and use any portion of said line of road hereby authorized to be constructed, and to purchase of any such company or companies, the right to construct, operate and use the line of road, constructed or in course of construction by such company, and to lease or purchase the right of way, and franchises of any such company, together with its equipments, rolling stock, furniture and materials used in constructing or operating such road or roads, and to complete, finish, use and operate any such line of road, so purchased or leased, upon such terms as may be mutually agreed between the said company or companies, or may consolidate the capital stock with the capital stock of any railroad company with which it shall intersect, and shall have power to place the road of said company, and its capital stock, so consolidated, under the direction of a board of directors, of not less than seven, at least five of whom shall be chosen from stockholders resident within the counties through which said consolidated roads are located. The first board of directors shall be chosen as the directors of the companies consolidating their capital stock shall direct and agree; and all subsequent boards to be elected as shall be provided by the by-laws of said company.

Union and consolidation with other roads.

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

§ 11. Said company are hereby authorized to take and receive from the several subscribers to the said capital stock, money, labor, materials, cars, locomotives or other articles, adapted to the construction or operation of said railroad, or any property that, in the opinion of the board of directors, may be exchanged or converted to such use; and upon receiving full payment, in manner aforesaid, to any such subscription of stock, may issue to such subscriber or subscribers certificate therefor.

Payment of subscriptions in labor, materials, etc.

§ 12. The company shall be allowed five years, from the passage of this act, for the commencement of said railroad; and in case at least fifteen miles of the same shall not be completed in ten years thereafter, the privilege herein granted shall be forfeited.

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

APPROVED February 20, 1861.



In force February 21, 1861. AN ACT to amend an act entitled "An act to incorporate the Highland and St. Louis Railroad."

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That "An act to incorporate the Highland and St. Louis Railroad," approved February the 12th, 1859, is hereby amended; and the directors of the same shall have the right and privilege to continue the construction of said road, in sections of any designated length, at their own option, or discontinue the further construction thereof, retaining to the company all the rights and privileges and immunities granted by said act, for any and all such sections so constructed.

APPROVED February 21, 1861.

In force February 22, 1861. AN ACT to amend the charter of the Illinois Southern Railroad Company.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the ninth section of the act entitled "An act to incorporate the Illinois Southern Railroad Company," approved January 31st, 1857, be so amended, by and with the consent of the president and directors of said company, as to read as follows, viz: "The several towns, cities or counties, through or near which said railroad shall pass, may and they are hereby authorized to subscribe for and take stock in the said company, to any amount, not exceeding one hundred and fifty thousand dollars for each of said towns, cities or counties; and may issue their corporate bonds therefor, making the same payable when and where the parties thereto may agree; and in order to secure the prompt payment of the principal and interest of such corporate bonds, in whole or in part, the proper authorities of such towns, cities or counties may, in their discretion, assess and levy a special tax upon the taxable property of such towns, cities or counties: *Provided,* that no such subscription shall be made unless a majority of the legal voters of such towns, cities or counties shall vote for the same, at an election, to be held under order of the county court in case of counties, and of the corporate authorities in case of towns or cities."

County or town  
subscriptions.

Vote upon sub-  
scription.

§ 2. This act shall be in force as soon as the same shall have been approved by the board of directors of said company.

APPROVED February 22, 1861.

AN ACT to amend an act entitled "An act to construct a Railroad from Joliet to Chicago," approved February 15th, 1855. In force February 20, 1861.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That so much of the act entitled "An act to construct a railroad from Joliet to Chicago," approved February 15, 1855, as limits the duration of the corporation thereby created to the term of thirty (30) years, and the time for the completion of the railroad therein mentioned and its appendages to the term of five (5) years, be and the same is hereby repealed. Time of completion of road.

§ 2. The capital stock of said company may be increased, from time to time, by a vote of stockholders representing a majority of stock, to an amount equal to the cost of the railroad in said act mentioned, its appendages and property, purchased or acquired, or that may hereafter be purchased or acquired; and the said company shall have power to borrow such sums of money, from time to time, as may, in the opinion of the directors or a majority of them, be deemed expedient; and may issue and dispose of its bonds or obligations, for the purposes aforesaid; and may mortgage all or any portion of its property and franchises, now acquired or that hereafter may be acquired, to secure the payment of any debt contracted by said company, by such form of deed or deeds and with such powers of sale therein contained as the said directors or a majority of them may think fit and proper; and such company may sell its bonds or obligations, either within or without this state, at such rates and prices as the said directors or a majority of them may sanction and determine; and said sales shall be as valid and obligatory upon the company, for the full amount of the bonds or obligations sold, as if such bonds or obligations were sold at par value. Capital stock.  
  
Issuing of bonds.

§ 3. The said company may, from time to time, purchase, occupy and hold such depot grounds or any other property that its directors or a majority of them may deem expedient, for extending its railroad business and traffic; and all of the rights and privileges of said company are hereby extended to the property which may be thus acquired, with power to exercise the same. Depot grounds and property.

§ 4. The said company may change its corporate name and style to such name and style as its directors, by resolution, may order and direct, upon filing in the office of the secretary of state a copy of such resolution, within thirty days after the passage of the same, and publishing a like copy in one or more newspapers published in the cities of Joliet and Chicago. Change of name.

APPROVED February 20, 1861.

In force February 20, 1861. AN ACT to amend an act entitled "An act to construct a Railroad from Jacksonville, in Morgan county, to Alton, in Madison county," approved February 15th, 1851, and other acts amendatory thereto.

Payments of sub-  
scriptions in la-  
bor, materials,  
&c.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the Jacksonville, Alton and St. Louis Railroad Company, in addition to the powers granted by the act to which this is an amendment, as well as the amendments, approved February 11th, 1853, February 27th, 1854, February 7th, 1857, and February 14th, 1859, is hereby authorized and empowered to take and receive in payment, from the subscribers to the capital stock of said company, (either for subscriptions heretofore made or which may be hereafter,) money, labor, materials, cars, locomotives or other property, either real or personal, for the use of said railroad, or which, in the opinion of the board of directors, may be sold, exchanged or converted to such use; and the said railroad company is hereby vested with full authority to sell, convey, exchange or dispose of any such property, so received; and all such transactions and payments of stock, heretofore made to said company, are hereby declared legal and valid.

Payments of sub-  
scriptions in real  
or personal pro-  
perty.

§ 2. The said company is hereby authorized to receive subscriptions to its capital stock, payable in either real or personal property; and all such subscriptions, heretofore made, are hereby declared legal and valid; and on a failure, neglect or refusal of any subscriber, his heirs, executors or administrators, to make such payment or comply with the condition thereof, the said company may proceed, by suit, in any court having competent jurisdiction thereof, and recover the amount or value thereof in money; and the said company is hereby authorized and empowered to receive subscriptions to its capital stock, payable at any time hereafter, either when the entire road is in operation or any part of it, or at any time thereafter, and may receive notes or bonds for the same, and also such security, either real or personal, with or without interest, as may be agreed upon. The notes, bonds or other security, as hereby provided for, may be assigned or transferred by said company; and such assignment or transfer shall vest in the assignee or assigns the legal title thereto.

Union with other  
roads.

§ 3. The said railroad company shall have power to extend and unite its railroad with any other railroad, now constructed or which may hereafter be constructed in this state; and, for that purpose, full power is hereby given to said company to make and execute such contracts with any other company as will secure the objects of such connection; and, for the foregoing purposes of extension, shall possess and exercise all the privileges, immunities and franchises and enjoy all the rights granted by this act and the act to which this is an amendment and the several amendments thereto.



§ 4. All the provisions in this act, also the act to which this is an amendment, and the several amendments thereto, relating to county courts, shall apply to and govern the board of supervisors in any county where township organization may exist or hereafter be adopted; and in all cases, when by the terms of the act to which this is an amendment and the several acts amendatory thereto, it is made the duty of the county courts to do and perform any act or acts, the same shall be binding upon any such board of supervisors, and shall be done and performed by them to the same extent and in like manner, so far as practicable, as the said county courts are required to do.

Supervisors and  
county courts.

§ 5. This act shall be deemed a public act, and shall be so received and taken notice of in all courts and places, and shall take effect and be in force from and after its passage.

APPROVED February 20, 1861.

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AN ACT to extend the time for completing the Indiana and Illinois Central Railway. In force February 22, 1861.

WHEREAS the Decatur and Indianapolis Railroad Company was legally incorporated, under an act entitled "An act to provide for a general system of railroad incorporations," in force November 5, 1849; and, whereas, said Decatur and Indianapolis Railroad Company afterwards united and consolidated with the Indiana and Illinois Central Railway Company, on the fourth day of May, A. D. 1853, in compliance with the provisions of an act entitled "An act to incorporate the Decatur and Indianapolis Railroad Company," in force February eighth, 1853, and of an act entitled "An act to amend an act to incorporate the Decatur and Indianapolis Railroad Company," in force February twelfth, 1854, whereby said Decatur and Indianapolis Railroad Company became and was named and styled "The Indiana and Illinois Central Railway Company;" and whereas said Indiana and Illinois Central Railway Company, in compliance with the provisions of the 44th section of an act entitled "An act to provide for a general system of railroad incorporations," in force November 5th, 1849, began the construction of its road and expended thereon ten per cent. on the amount of its capital within five years after its incorporation; therefore,

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the time for the finishing and putting in full operation the Indian and Illinois Central Railway, by the Indiana and Illinois Central Railway Company, be extended ten years, from and after the 26th day of April, 1863.

Time of comple-  
tion.

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

APPROVED February 22, 1861.

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In force February 20, 1861. AN ACT to amend an act entitled "An act to incorporate the Kenosha and Rock Island Railroad Company," passed January 20, 1857.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That section (8th) eighth of an act entitled "An act to incorporate the Kenosha and Rock Island Railroad Company," be so amended, that such counties, towns, cities or villages as are by the said act authorized to issue bonds in aid of the object and purposes of said incorporation, be allowed to do so at a less rate of interest than ten per cent. per annum.

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

APPROVED February 20, 1861.

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In force January 29, 1861. AN ACT to amend an act entitled "An act to incorporate the Mississippi and Wabash Railroad Company," approved February 10, 1853, and an act amendatory thereof, approved February 24, 1859.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the second section of the act approved February 10th, 1859, amendatory of an act incorporating the Mississippi and Wabash Railroad Company, approved February 10th, 1853, be and the same is hereby amended, as follows: After the words "Illinois river," in the fourteenth line of said section, and after the words "east line of this state," in the nineteenth line of same section, shall, in each case, be added, "or such greater or less portions or extent of said road bed as a majority of the board of directors may determine;" and that the fifth section of the amendatory act, before referred to, as approved February 24th, 1859, be amended by adding, after the words "either terminus of said road," the words "or that may cross the line or route of said road."

Grants and purchases legalized.

§ 2. That all purchases or grants of land, for road way or depot grounds or for any other purpose or purposes, or subscriptions of stock, made by or to, the "Central" or "Western" divisions of the Mississippi and Wabash railroad, or made by or to the commissioners of either of said divisions, and all certificates of stock issued by said com-

missioners, are hereby confirmed and legalized, as fully and completely, as if made by or to the Mississippi and Wabash Railroad Company direct.

§ 3. That the board of directors of said company are hereby authorized to accept this act; and the same and all the provisions hereof shall be in full force and become binding upon said company and the stockholders thereof and all other persons and corporations, whenever the same is accepted by the said board of directors, or by a majority thereof, by a vote, duly entered upon the records of said company. Vote of directors.

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

APPROVED January 29, 1861.

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AN ACT to incorporate the Mattoon and Decatur Railroad Company.

In force February  
22, 1861.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That Sheridan Wait, David L. Allen, Robert Crowder, Leander Bone, John Perryman, John A. Freeland, James Elder, David Patterson, James Canfield, John R. Eden, S. D. Dole and Charles W. Nabb, their associates, successors and assigns, be and are hereby constituted a body corporate and politic, under the name and style of "The Mattoon and Decatur Railroad Company," for the purpose of surveying, locating, constructing, completing and operating a railroad, from the town of Mattoon, in Coles county, state of Illinois, and thence, upon the most eligible route, through or near the town of Sullivan, in the county of Moultrie, to the town of Decatur, in Macon county, state aforesaid, whenever the said persons or their assigns and associates, shall organize, in full compliance with the provisions of an act entitled "An act to provide for a general system of railroad incorporations," approved November fifth, A. D. eighteen hundred and forty-nine and the acts supplementary and amendatory thereto. Name and style.

§ 2. That when the citizens of the county of Moultrie, aforesaid, may signify their desire, by vote, according to the aforesaid general act, that said county should, in addition to the one hundred thousand dollars authorized by said act, subscribe the swamp lands belonging to said county and the proceeds of sales of said swamp lands, heretofore sold, that the county court of said county are hereby authorized to subscribe said swamp lands and proceeds of said lands, heretofore sold, to the capital stock of said corporation; and said court is hereby empowered to make and execute all deeds, writings and other papers, necessary to transfer the County subscrip-  
tion.



right, title and interest of and into said lands and proceeds thereof to the said company; said court having like control over the stock so obtained as that purchased by said act in case of the issuing of bonds to said company.

Subscriptions of  
towns.

§ 3. That the town council of the town of Decatur, in Macon county, of the town of Mattoon, in Coles county, and of the town of Sullivan, in the county of Moultrie, be and are hereby authorized to subscribe to the capital stock of said company, under the regulations of the act amendatory of the "Act providing for a general system of railroad incorporations," approved November sixth, A. D. eighteen hundred and forty-nine, being in all respects governed by the provisions of said act, as applicable to cities and counties.

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

§ 5. That this act shall be in force from and after its passage.

APPROVED February 22, 1861.

In force February  
21, 1861.

#### AN ACT to incorporate the Monticello Railroad Company.

Corporate name  
and powers.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That C. M. Sherfey, J. B. McKinley, J. D. Kilgore, B. F. Harris, William H. Piatt, A. J. Dighton, Jacob Smith, Samuel D. Miles, Amos Conaway, William Martin, William Dickey, Samuel Corn, Nathan W. Tupper, and all such persons as shall hereafter become stockholders in the company hereby incorporated, shall be a body politic and corporate, by the name and style of "The Monticello Railroad Company;" and under that name and style shall be capable of suing and being sued, impleading and being impleaded, defending and being defended against, in law and equity, in all courts and places whatsoever, in like manner and as fully as natural persons; may make and use a common seal, and alter and renew the same at pleasure; and by their said corporate name and style shall be capable, in law, of contracting and being contracted with; shall be and are hereby invested with all the powers, privileges, immunities and franchises, and of acquiring, by purchase or otherwise, and of holding and conveying real and personal estate, which may be needful to carry into effect fully the purposes and objects of this act.*

§ 2. The said corporation are hereby authorized and empowered to survey, locate, construct, complete, alter, maintain and operate a railroad, with one or more tracks or lines of rails, from the city or town of Champaign, in Champaign county, Illinois, to the town of Monticello, in Piatt county; thence, to the city of Decatur, in Macon county, in the state of Illinois.

Construction of  
railroad.

§ 3. The said corporation shall have a right of way upon and may appropriate to its sole use and control, for the purposes contemplated herein, land, not exceeding two hundred feet in width, through its entire length; may enter upon and take possession of and use all and singular any lands, streams and materials, of every kind, for the location of depots and stopping stages, for the purpose of constructing bridges, dams, embankments, excavations, station grounds, spoil banks, turnouts, engine houses, shops and other buildings, necessary for the construction, completing, altering, maintaining, preserving and complete operations of said road. All such lands, waters, materials and privileges, owned and belonging to any person, company or corporation, that cannot be obtained by voluntary grant or release, may be taken and paid for, if any damages are awarded, in the manner provided in an act to provide for a general system of railroad incorporations, approved November 5th, A. D. 1849, and the acts amendatory thereof; and the final decision or award shall vest in the corporation hereby created all the rights, franchises and immunities in said act contemplated and provided.

Right of way.

§ 4. The capital stock of said corporation shall be fifty thousand dollars, which may be increased, from time to time, to any amount, not exceeding the entire amount expended on account of said road, divided into shares of fifty dollars each, which shall be deemed personal property; and may be issued and transferred in such manner and at such places as may be ordered and provided by the board of directors, who shall have power to require the payment of sums subscribed by stockholders in such manner and on such terms as they may deem proper; and on refusal and neglect on the part of stockholders, or any of them, to make payment, on the requisition of the board of directors, the shares of such delinquents may, after thirty days' public notice, be sold, at public auction, under such rules as said board of directors may adopt—the surplus money, if any remains, after deducting the payments due, with interest and the necessary costs of sale, to be paid to such delinquent stockholders. The board of directors hereby appointed shall cause books to be opened for subscriptions to said stock, in such manner and at such times and places as they shall direct.

Amount of capital  
stock.

Books of sub-  
scription.

§ 5. All the corporate powers of said company shall be vested in and be exercised by a board of directors and such

Board of direc-  
tors.

officers and agents as they shall appoint. The board of directors shall consist of not less than twelve stockholders, six of whom shall be chosen every year, by the stockholders, each share having one vote, to be given in person or by proxy; each director, successively, to continue in office until his successor is elected and qualified. Vacancies in the board may be filled by a vote of two-thirds of the directors remaining; such appointees to continue in office until the next regular election of directors. Other officers, agents and servants, whether members of the board or otherwise, may be appointed, employed, paid or dismissed, under such rules and regulations as the board of directors may, from time to time, adopt.

First board of directors.

§ 6. The following named persons shall constitute the first board of directors, to wit: C. M. Sherfoyl, J. B. McKinley, J. D. Kilgore, B. F. Harris, William H. Piatt, A. J. Dighton, Jacob Smith, Amos Conaway, William Martin, Sam'l Corn, William Dickey, Nathan W. Tupper, whose powers shall commence and be in full force from and after the passage of this act; six of whom, to be decided by lot, shall hold their offices for the term of one year, and the other six for the term of two years and until their successors are elected and qualified; and in case any of the directors hereby appointed shall fail or refuse to act the remaining directors shall associate with them other persons to fill such vacancies, who shall have the same powers as though they had been hereby appointed. The said board of directors shall, annually, choose from among their number a president. And all written contracts, agreements or conveyances made by said corporation shall be executed by the president, under the corporate seal of said company, and attested by their secretary. The stockholders of said company shall, annually, elect six directors, under such rules and regulations as the board of directors shall, from time to time, determine.

Powers and duties of the board

§ 7 The president and directors are hereby authorized and empowered, by themselves, their officers or agents, to execute all the powers herein granted, for the purpose of surveying, locating, constructing, completing, altering, maintaining and operating said road, and for the transportation upon the same of persons, goods and chattels, wares and merchandise, with all such powers and authority, for the control and management of the affairs of said company, as may be necessary and proper to carry into full and complete effect the meaning and intent of this act.

By-laws and rules

§ 8. The said company shall have power to make, ordain and establish all such by-laws, rules and regulations as may be deemed expedient and necessary to fulfill the purposes and carry into effect the provisions of this act, and for the well ordering, regulating and securing the affairs, business and interests of the company: *Provided*, that the same be



not repugnant to the constitution and laws of the United States and of this state or repugnant to this act. The board of directors shall have power to establish such rates of toll for the conveyance of persons and property upon the same as they shall, from time to time, by their by-laws, direct and determine, and to levy and collect the same for the use of the said company. The transportation of persons and property, the width of track, the construction of wheels, the forms and size of cars, the weights of loads, and all other matters and things respecting the use of said road and the conveyance of persons and property, shall be in conformity to such rules and regulations as said board of directors shall, from time to time, determine.

§ 9. If any person shall carelessly, willfully, maliciously or wantonly delay, hinder or obstruct the passage of any carriage on said road, or shall place or cause to be placed any material thereon, or in any way trespass upon, spoil, injure or destroy said road, or any part thereof, or anything belonging or pertaining thereto or employed or used in connection with its location, survey, construction or management, all persons committing or aiding or abetting in the commission of such trespass or offense shall forfeit and pay to the said company treble such damages as shall be proved before any court of competent jurisdiction; and, further, such offenders shall be liable to indictment, in the county within whose jurisdiction the offense may be committed, and to pay a fine of not less than ten nor more than one hundred dollars, to the use of the people of the state of Illinois, or may be imprisoned in the penitentiary for a term not exceeding five years, in the discretion of the court before whom the same shall be tried.

Injuries and obstructions.

§ 10. Said corporation may construct their said road over or across any stream of water, water course, road or highway which its road shall intersect; but the corporation shall restore the stream or water course, road or highway, thus intersected, to its former state or in a sufficient manner not to have impaired its usefulness. Wherever the track of said railroad shall cross a road or highway said road or highway may be carried under or over said track, as may be found most expedient; and in case the track of said railroad shall be so located as to make a change in the line of any such road or highway necessary or desirable to said company the said company may take such additional lands, for the construction of such road or highway, as may be deemed requisite by said corporation. Unless the lands so taken shall be purchased or voluntarily given for the purposes aforesaid, compensation therefor shall be ascertained in the manner in this act provided, as nearly as may be, and duly made by said corporation to the owners and persons interested in said lands. The same, when so taken or compensation made, to become a part of such intersecting road or highway, in such

Crossings of road and streams.

manner and by such tenure as the adjacent parts of the same highway may be held for highway purposes.

Map and profile.

§ 11. Said corporation shall, within a reasonable time after said road shall have been located, cause to be made a map and profile thereof, and of the land taken and obtained for the use of such road, and file the same in the recorder's office of each county in which said road or any part thereof may be located.

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

APPROVED February 21, 1861.

In force February 22, 1861.

AN ACT to incorporate the McLean County Central Branch Railroad Company.

Name and style.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That C. Wakefield, Jesse Funk, R. F. Dickerson, L. H. Parks, Hiram Buck, W. H. Cheeney, L. N. Bishop, Henry Barnhouse and James Mix, and their associates, successors and assigns, are hereby created a body corporate and politic, under the name and style of "The McLean County Central Branch Railroad Co."* with perpetual succession; and by that name be and they are hereby made capable, in law and equity, to sue and be sued, plead and be impleaded, defend and be defended, in any court of law and equity in this state or any other place, to make, have and use a common seal, and the same to alter or renew at pleasure; and shall be and are hereby vested with all the powers, privileges and immunities which are or may be necessary to carry into effect the purposes and objects of this act, as hereinafter set forth. And said company are hereby authorized and empowered to locate, construct and finally complete a railroad, from or near Hayworth, in the county of McLean, on the Ills. C. Railroad; thence, running in a northeasterly direction, on the most direct and eligible route, to or near Paxton, on the Ills. C. Branch R. road, in Ford county, Illinois; and for this purpose said company are authorized to lay out their said road, not exceeding one hundred feet wide, through the whole length of said route; and, for the purpose of cutting embankments, stone and gravel, may take as much more land or materials as may be necessary for the proper construction and security of said railroad.

Route of road.

Right of way.

§ 2. This company is hereby authorized, for the purpose of procuring the right of way for said railroad, to proceed, under the act to provide for a general system of railroad incorporations, approved November 5th, 1849, and under the

act of June 22, A. D. 1852, for the condemnation of land by incorporated companies.

§ 3. The capital stock of said company shall be 800,000 dollars, with power to increase the same to 1,600,000 dollars, which shall be divided into such shares as the by-laws, rules and regulations of said company shall prescribe, which shares shall be personal property and be transferable on the books of said corporation; and shall entitle the holder thereof to a voice in all meetings of the stockholders, in the proportion thereof to the whole stock of said company. Capital stock.

§ 4. And the above named persons, in sec. 1st, shall be and constitute the first board of directors, and may have and exercise all powers, rights, privileges and immunities which are or may be necessary to carry into effect the purposes and objects of this act, as hereinafter set forth. Said directors shall organize the board as soon as practicable after the passage of this act, by electing one of their number president and appointing a secretary and treasurer; which organization shall be certified by said directors, or a majority of them, and such certificate shall be recorded in the record book of said company; and said record shall be sufficient evidence of such organization; and a certified copy thereof, under the seal of said corporation, shall be received in all the courts of this state as evidence of the facts therein stated. Said directors shall hold their office for one year after the organization of said company and until their successors are elected and qualified. All vacancies in said board may be filled by a vote of two-thirds of the directors present at any regular meeting or at a special meeting called for that purpose. First Board of directors.

§ 5. Said company shall have full power and authority to transfer all their rights and interests in said railroad to the Illinois Central Railroad Co., as may be agreed upon by the directors of each road, so that the Illinois Central Railroad Co. may fully own said road; and the provisions of the act incorporating the said Illinois Central Railroad are hereby secured to this company, so far as they may be applicable to the same. Transfer of right and interests.

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

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

APPROVED February 22, 1861.



In force February 5, 1861. AN ACT to incorporate the Ohio and Mississippi Railway Company, and for other purposes.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That Jesse K. Dubois, Ozias M. Hatch, I. N. Haynie, Peter N. Hane, Thomas Brown, George W. Jenks, Daniel R. Garrison, Samuel Gaty, George K. McGunegle, Samuel L. M. Barlow, Daniel D. Page, Henry D. Bacon and George Partridge, and such other persons as may associate with them for that purpose, are hereby constituted a body politic and corporate, by the name and style of "The Ohio and Mississippi Railway Company," for the purpose of purchasing and taking a conveyance of all the railway property, real and personal, rights and franchises of the Ohio and Mississippi Railroad Company, incorporated by the act of the general assembly of this state, entitled "An act to incorporate the Ohio and Mississippi Railroad Company, and for other purposes," approved February 12th, 1851, or any part of said property, rights and franchises, either by private contract or at any judicial sale thereof, which may hereafter take place.

Name.

Purchase of railroad property.

Organization.

§ 2. The said corporators and such persons as may associate with them for that purpose are hereby fully authorized and empowered, at any time, within thirty days after the passage of this act, to call a meeting, for the purpose of organization, by advertisement, published at least ten days previously in one of the public newspapers published at Springfield, in the state of Illinois, and to organize by the appointment of one of their number as president, and of not less than seven nor more than thirteen of the members as directors. Those so chosen shall be the first board of the corporation hereby created, and shall hold office until their successors shall be appointed, according to the provisions of said act before referred to.

Directors.

Assuming of debts &c.

§ 3. The said corporation shall possess all the powers and privileges conferred on the Ohio and Mississippi Railroad Company by the act incorporating the same, referred to in the first section of this act, or by any amendment or amendments thereof, and shall be subject to all the provisions of the said act, and shall, in addition, possess the power of assuming any debt or debts, liability or liabilities of the said Ohio and Mississippi Railroad Company, in its discretion, and of issuing bonds, secured by mortgage or otherwise, in its discretion, to secure the payment of them, and of making any contracts or arrangements with any other person or persons, corporation or corporations, conducive to the objects of its incorporation or the convenient and effective management of the business of transportation of passengers and freight, and of regulating its rates of charges for such transportation.

§ 4. The capital of the said corporation shall be two millions of dollars, with the power to increase [the] same conferred by the aforesaid acts and shall be distributed among the corporators as they may agree. Capital stock.

§ 5. This act shall be deemed and taken as a public act, and shall be in force from and after its passage: *Provided*, that the corporation hereby created shall pay all sums due or to become due to citizens of this state for labor or supplies of any kind, in operating said road, as a condition precedent to the vesting of the franchise in this act. Payment of existing obligations.

§ 6. The meeting of the corporators, for the purpose of organization, and the meeting of the board of directors, after organization, may be in the city of St. Louis, in the state of Missouri, or in this state; and all acts done at such meeting in the city of St. Louis shall be as valid as if done within this state.

APPROVED February 5, 1861.

AN ACT entitled an act to amend "An act to amend an act incorporating the Pike County Railroad Company," approved February 14, 1857. In force February 14, 1861.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That the time for the completion of the Pike County Railroad be extended for the term of two years, from and after the passage of this act.

§ 2. That the guarantors, O. M. Hatch, James McWilliams, B. D. Brown, George Wike, M. B. Churchill and A. Starne, to the city of Hannibal, shall not be required to complete the road bed until an iron contract is made and ratified by the board of directors; and that the amount expended by them in completing said road bed over and above the means in their hands for that purpose shall constitute a first lien upon said road bed and the property of said company. Completion of road bed.

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

APPROVED February 14, 1861.

AN ACT to incorporate the Paris and Decatur Railroad Company.

In force February 18, 1861.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That William P. Dole, James Steele, George W. Rives, Albert B. Austin, William Kile, John Ten Brook, Hiram Ritherford, Jonathan J. Pemberton, Benjamin F. Williams, John Cofer,

Name.

John R. Eden, Richard Oglesby, James Shoaff and Isaac C. Pugh, and their associates and successors and assigns, be and they are hereby created a body corporate, by the name and style of "The Paris and Decatur Railroad Company," with perpetual succession and power to build, maintain and use a railroad, from Paris, in Edgar county, to Decatur, in Macon county, upon some convenient and reasonable direct line between said points: *Provided*, that said railroad shall be so located as to pass through the town of Oakland, in the county of Coles, with power to fix the capital stock of said corporation, and to divide, transfer and increase the same at pleasure.

Real estate.

§ 2. Said corporation shall also have power to purchase, hold, lease, sell and convey estate and property, whether real, personal or mixed, so far as may be necessary to carry out the intentions of this act; and, in their corporate name, may sue and be sued; and have a common seal, which they may alter or review at pleasure; and shall have and exercise all powers, rights, privileges and immunities which are or may be necessary to carry into effect the purposes and objects of this act.

Right of way.

§ 3. For the purpose of constructing said railroad said company shall have power to lay out and establish their road, in width not exceeding one hundred feet, through the entire line thereof; and may take and appropriate, to their own use, all such lands, necessary for the line and construction of said road, upon first paying or tendering therefor such amount of damages as shall have been settled by appraisal, in the manner hereinafter provided, on all such lands as may be taken by said company; and, for the purpose of cutting and embankments, and for the purpose of obtaining stone, sand and gravel, may take and appropriate so much more land as may be necessary for the proper construction, maintenance and security of said road, and for constructing shops, depots, side tracks and other suitable and convenient fixtures, in connection with appurtenances to said railroad, may take and have, use and occupy any lands, on either side of said railroad, not exceeding one hundred and fifty feet in width; said company taking all such lands as gifts or purchases or making satisfaction for the same in the manner hereinafter provided. This act shall not be construed to restrict or prevent the construction of public roads or railroads across the road of said company, when deemed expedient, but so as not to materially obstruct the same; and said company shall have power to construct their road across any such public road or railroad, upon like terms and conditions, anything in the laws or charter of any railroad to the contrary notwithstanding.

Damages for right of way.

§ 4. If said company cannot agree with the owners of lands which may be taken for the purposes aforesaid, so as to procure the same by deed or act of such owners of lands,



or if the owner or occupier, or either of them, be a *femme covert*, infant, *non compos mentis*, unknown or out of the county in which the land or property wanted may be situated, the same may be taken and paid for (if any damages be awarded) in the manner provided for in an act to provide for a general system of railroad incorporations, approved November 5th, 1849, and to the provisions of this act.

§ 5. Said corporation shall cause books to be opened for subscription to the capital stock thereof, divided into shares of fifty dollars each, at such times and places as they may choose, and shall give at least thirty days' notice thereof, by publication in a newspaper published in the town or city where said books may be open, and, if there be no newspaper published therein, then in the nearest newspaper thereto. It shall be lawful for all persons of lawful age or for the agent of any corporate body to subscribe any amount to the capital stock of said company.

Books of subscription.

§ 6. The corporation may require each subscriber to pay such an amount at the time of subscribing, not exceeding five dollars on each share, as shall be thought proper.

§ 7. So soon as one hundred thousand dollars of the capital stock is subscribed the corporators herein named, or a majority of them, shall call a meeting of the stockholders for the election of not less than nine directors, who shall be stockholders; of which meeting thirty days' notice shall be given, by publication in one or more newspapers published in Decatur and Paris; and the said election shall be conducted by two judges, appointed by the stockholders present; and the persons having a plurality of votes shall be declared elected. In all elections the holders of stock shall be entitled to one vote for each share he or she may hold; and any person having a right to vote may vote by written proxy. Whenever the aforesaid sum of one hundred thousand dollars is subscribed, as aforesaid, the said corporation may commence, construct and complete the aforesaid railroad.

First election of directors.

§ 8. All elections, after the first, for officers of this corporation, shall be held on the first Monday in April, annually, under the direction of three stockholders, not directors at the time, to be appointed by an order of the board at a previous meeting: *Provided*, that said directors may cause elections to be held on any other day should there be no election on that day; and all elections shall be held at some point on said road. The directors, elected as aforesaid, shall continue in office for one year and until their successors are elected and qualified; and a majority shall form a quorum for the transaction of business, and shall reside within the limits of this state.

Annual elections.

§ 9. Said company are authorized and empowered to borrow, from time to time, such sums of money as, in their discretion, may be necessary, to aid in the construction of

Borrowing of money.

said road, and pay any rate of interest, not exceeding ten per cent. per annum, and to pledge and mortgage said road and its appendages, or any part thereof, or any other property or effects, rights, credits or franchises of the said company, as security for any loan of money and interest thereon, and to dispose of the bonds issued for such loan at such rate and on such terms as the board of directors may determine.

By-laws and rules

§ 10. Said corporation shall have power to make, ordain and establish all such by-laws, rules and regulations as may be deemed expedient and necessary to fulfill the the purposes and carry into effect the provisions of this act and for the well ordering and securing the affairs, business and interest of said company, not inconsistent with the laws of this state.

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

APPROVED February 18, 1861.

In force February 22, 1861.

AN ACT to amend an act entitled "An act to incorporate the Petersburg and Tonica Railroad Company."

Subscriptions of real and personal property.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That said company is hereby authorized to receive subscriptions to its capital stock, payable in either real or personal property; and such subscriptions, heretofore made, are hereby declared legal and binding; and, on a failure, neglect or refusal of any such subscriber, his heirs, executors and administrators, to make such payment or comply with the conditions thereof, the said company may proceed, by suit, in any court having competent jurisdiction thereof, and recover the amount in value so subscribed.

Subscriptions of labor, materials, &c.

§ 2. And the said company is hereby authorized and empowered to receive subscriptions to its capital stock, payable in money, work, labor, materials, equipments or any other kind of property, real or personal, at any time thereafter, either when the entire road is in operation or any part of it, or at any time thereafter, and may receive notes or bonds for the same, and such security, either real or personal, and with or without interest, as may be agreed upon. The notes, bonds, with all securities, may be assigned or transferred by said company; and such assignment or transfer shall vest in the assignee or assignees the legal title thereto.

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

APPROVED February 22, 1861.

AN ACT to perfect the title of the purchasers of the Pittsburg, Fort Wayne and Chicago Railroad, and to enable them to form a corporation, and defining the powers and duties of such corporation. In force February 8, 1861.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That in case the railroad of the Pittsburg, Fort Wayne and Chicago Railroad Company, or any part thereof, shall be sold, by virtue of any mortgage or mortgages, deed or deeds of trust, either by foreclosure or other proceedings in law or equity, or in pursuance of a power in such mortgage or mortgages or deed or deeds of trust contained, or by the joint exercise of the said authorities, the purchaser or purchasers of the same, or their survivors or survivor, or they or their or he and his associates, or their or his assigns, may form a corporation, by filing in the office of the secretary of state, under their or his signature, specifying the name of such corporation, the number of directors, the names of the first directors, and the period of their services, not exceeding one year, the amount of the original capital, and the number of shares into which such capital is to be divided; and thereupon the persons who shall have signed such certificate, and their successors, shall be a body politic and corporate, by the name stated in such certificate; and a copy of such certificate, attested by the signature of the secretary of state or his deputy, shall, in all courts and places, be evidence of the due formation and existence of the said corporation and of the facts in the said certificate stated.

Proceedings in case of sale under mortgage.

§ 2. The said corporation, formed pursuant to this act, shall have power to acquire, by purchase or otherwise, and to hold, use and enjoy the Pittsburg, Fort Wayne and Chicago railroad and each and every part thereof, whether situate within or without this state, and all equipments, machinery, tools and materials, all lands, property, franchises, rights and things connected therewith or necessary or convenient to the use thereof, together with the tolls, income, rents, issues and profits of the same; and shall have power to maintain and operate the same, as fully as might have been done by the Pittsburg, Fort Wayne and Chicago Railroad Company; and to erect new depots, stations and other buildings and connect the same with the said railroad, and to acquire and hold lands for the said, and other needful purposes. And the said corporation shall also possess

Corporate powers and privileges.



all the facilities, powers, authorities, immunities, privileges and franchises at any time held by the said Pittsburg, Fort Wayne and Chicago Railroad Company, or by any of the corporations heretofore consolidated into the said company, or conferred on the said company, the said corporations, or either of them, by any act or law of this state or either of the states of Ohio, Indiana, or Pennsylvania, and shall have power and capacity to hold and exercise, within each and every of the said states, and so far as it may deem necessary to the general objects of its business, within any other of the United States, all the said faculties, powers, authorities, privileges and franchises and all others which may hereafter be conferred upon it by or under any law of this state or of any of the aforesaid states; and to hold meetings of stockholders and directors; and do all corporate acts and all things within any of the aforesaid states as validly as it might do the same within this state; and may consolidate with any corporations of such other states, authorized to hold, maintain and operate the aforesaid railroad; and the said corporation, formed pursuant to this act shall also have power to create and issue capital stock, in shares of one hundred dollars each, and to such aggregate amount as it shall deem necessary to carry out the objects of this act; and may establish preferences, in respect to dividends, in favor of one or more classes of the said stock, in such order and manner and to such extent and with such securities as it may deem expedient; and may confer on holders of any bonds which it may issue or assume to pay such rights to vote at all meetings of stockholders, not exceeding one vote for every one hundred dollars of the par amount of the said bonds, as may by it be deemed advisable; which rights, when once fixed, shall attach to and pass with such bonds, under such regulations as the by-laws may prescribe, to the successive holders thereof, but shall not subject any holder to assessment by the said company or to any liability for its debts or entitle any holder to dividends. And the said corporation may make and issue its bonds, of not less denomination than one hundred dollars each, payable at such times and places and bearing such rates of interest as it may deem expedient, and may hypothecate or sell such bonds, within or without this state, at such prices as it may deem proper: *Provided, nevertheless*, that, except within six months after the organization of said company, no bond shall be created, nor shall any debt be contracted exceeding in the aggregate, at any one time, five per cent. on the par amount of the capital stock of the said company, unless the same shall have been previously authorized by a vote of two-thirds in interest of the stock and bondholders, at a meeting duly held; and the said corporation may receive the payment of any bonds which it may make, issue or assume to pay, by a mortgage or mortgages or deed or

Liabilities.

Extent of indebtedness.

deeds of trust of its railroad, or of any part or parts thereof, or of any other of its property, real or personal; and may include in any such mortgage or mortgages or deed or deeds of trust any locomotives, cars and other rolling stock or equipments, and any machinery, tools, implements, fuel and materials or other real or personal estate, whether then held or thereafter to be acquired, for the constructing, operating, repairing or replacing of the said railroad or any part thereof or of any of its equipments or appurtenances; all of which property and things, so included, whether then possessed or thereafter to be acquired, shall be subject to the lien and operation of every such mortgage or deed of trust, in the same manner and with the like effect as if all such property and things constituted a part of the said railroad; and may also include all franchises, held by the said corporation and connected with or relating to the said railroad and all corporate franchises; which are hereby declared, in case of sale by virtue of any such mortgage or mortgages or deed or deeds of trust, to pass to the purchaser or purchasers, so as to enable him or them to form a corporation, in the manner herein described, and to vest in such corporation all the faculties, powers and authorities, immunities, privileges and franchises conferred by this act; and the said corporation may do all things which may be necessary or convenient to carry into full effect the powers hereby granted; and the powers hereby conferred may be exercised by the directors thereof.

§ 3. That the said corporation, formed pursuant to this act, shall, within six months after its organization, likewise have power to assume such debts, liabilities and claims against the said Pittsburg, Fort Wayne and Chicago Railroad Company, and make such settlements or adjustments with any of the stockholders or other parties interested therein, as it may deem proper; and, for the same purpose, to use such portion of the stock or bonds hereby authorized to be created, and in such manner as it may deem necessary. Existing claims.

§ 4. That in case the said Pittsburg, Fort Wayne and Chicago railroad, or any part thereof, shall be decreed by any court having jurisdiction, in any state or part of a state, composing a judicial district, within which a part of said railroad is situated, to be sold by virtue of any mortgage or mortgages or deed or deeds of trust, upon the same containing a power of sale to the trustee or trustees, it shall be lawful for the said trustee or trustees to unite with the proper officer in making such sale, or, under the order of the court, to make such sale at the time and place appointed by the court, and with such notices as may be ordered by the court, and to execute a conveyance of the said railroad, or the part thereof which may be so sold; and such sale and conveyance shall be a valid and effectual execution of the powers of sale and conveyance contained in Sale under decree.

the said mortgage, mortgages or deed or deeds of trust, and, shall operate to invest the purchasers with the title to the railroad, property and things sold, as aforesaid, free and discharged from all rights and equity of redemption by the mortgagor or junior incumbrancer or any other party whatsoever.

Transfer of stock.

§ 5. That full authority is hereby given to the corporate authorities of the several counties, townships, cities, villages or other municipal corporations, owning or holding stock in the said company, and to all persons holding the same in any fiduciary capacity, to transfer, assign or surrender the same, and to accept and receive, under the reorganization, such portion of the new stock as may be apportioned to the stock so owned and held.

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

APPROVED February 8, 1861.

In force February 21, 1861.

AN ACT to amend an act entitled "An act to incorporate the Peoria and Oquawka Railroad Company," approved February 12th, 1849.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the name of the corporation incorporated under the said act, to which this is an amendment, be and the same is hereby changed to that of "The Logansport, Peoria and Burlington Railroad Company."

Issue of bonds.

§ 2. That the said Logansport, Peoria and Burlington Railroad Company is hereby authorized to issue its bonds, to the amount of one million of dollars, in addition to those which have already been issued or executed by said company, or which said company, by their charter or any amendment thereof heretofore made, have authorized to issue: *Provided*, that the whole amount of bonds outstanding and unpaid shall at no time exceed the sum of five million five hundred thousand dollars. And the said company is hereby further authorized, for the purpose of securing the payment of said bonds, or of any bonds heretofore issued by said road, or of any bonds which it may issue for the purpose of renewing or retiring the bonds now outstanding against said road, or of any part of said bonds, to execute one or more mortgages or deeds of trust of and upon the road, revenues, property and franchises of said company, now existing or hereafter to accrue or be acquired.

Interest on bonds

§ 3. Said bonds may be made payable at any place within the United States, and may bear interest at any rate not exceeding eight per cent. per annum, and may be nego-



tiated and sold at such times and places, either within or without this state; and at such rates and prices as shall be deemed for the best interests of the company.

§ 4. All powers heretofore conferred upon said company, in relation to the execution of mortgages and deeds of trust, and the making, securing, selling and disposing of the bonds, secured or to be secured thereby, shall apply to the bonds issued by virtue of this act: *Provided*, that all that part of said road, as surveyed and located under the charter to which this is an amendment, running between the towns of Oquawka Junction and Oquawka, a distance of about five miles, and yet unfinished, shall be exempt from any liens or any incumbrances authorized by this act.

Execution of mortgages.

§ 5. The right of way and all the work done on that part of said unfinished railroad, running between said towns of Oquawka Junction and Oquawka, in making road bed, building bridges and furnishing ties, shall be and is, by this act, vested in the trustees of the town of Oquawka, in the county of Henderson, and State of Illinois, and their successors in office, and the same shall be subject to their control and disposal, with all the rights, franchises and privileges, in and to said part of said railroad, which the Peoria and Oquawka Railroad Company formerly had in and to the same, with the full power to complete and operate the same, under the name of the Oquawka Railroad: *Provided*, that the said trustees of Oquawka shall release said Peoria and Oquawka Railroad Company from completing and operating said road; and it shall be lawful for said trustees, or their successors in office, to transfer all the right obtained by this act in the said five miles of unfinished railroad to any railroad company they may choose, on such terms as they may deem best.

Right of way and unfinished work.

§ 6. No contracts made by or with said corporation, created by the act to which this is an amendment, and no liabilities assumed by them shall, in any wise, be impaired or changed, but shall, in all respects, be binding upon and inure to the corporation herein named, except as hereinbefore provided.

Contracts and liabilities.

§ 7. The Peoria and Hannibal Railroad Company shall have power to construct and operate a track, separate from the track of the Logansport, Peoria and Burlington Railroad, over, through and along Water street, in the city of Peoria, subject to the control of said city, so as not materially to impair the use of the said street, by track of the Logansport Peoria and Burlington Railroad, now laid and used without compensation to the Logansport, Peoria and Burlington Railroad Company; and the Peoria and Hannibal Railroad Company shall have the right to construct and operate a separate track, in like manner, from the present point of junction with the said Logansport Peoria and Burlington Railroad, along and over the ground embraced in

Separate track of Peoria and Hannibal railroad.

the right of way of the said railroad last named, to the city limits of the city of Peoria; and, for the purpose of constructing and operating the said Peoria and Hannibal Railroad, in Water street, or from the said junction to the city limits, the said Peoria and Hannibal Railroad Company may cross the track of the Logansport, Peoria and Burlington Railroad, doing no material or unnecessary damage thereto; and the Peoria and Hannibal Railroad Company shall pay to the said Logansport, Peoria and Burlington Railroad Company, for the privilege of using the right of way from said junction to the city limits, a fair and equitable compensation, to be determined by the agreement of the parties; and, in case they cannot agree, then to be determined by the arbitrament and decision of three persons, to be mutually chosen or one to be chosen by each company and the third to be selected by the city council of Peoria; which decision shall be final upon the parties.

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

APPROVED February 21, 1861.

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In force February 21, 1861. AN ACT to incorporate the Pekin, Lincoln and Decatur Railroad Company.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That* Thomas N. Gill, Joshua Wagon seller, Daniel Cheever, and Henry Pratt, of Tazewell county; John T. Jenkins, Abram Mayfield, George W. Finley, H. C. St. Clair and Charles S. Capps, of Logan county, and Henry Prather and John F. Miles of Macon county, and such other persons as may associate with them for that purpose, are hereby made and constituted a body corporate and politic, by the name and style of "The Pekin, Lincoln and Decatur Railroad Company," with succession, for fifty years; and the said company is hereby empowered and vested with all the rights and privileges heretofore granted to the Pekin, Canton and Macomb Railroad Company, as well as those granted to the Mississippi and Wabash Railroad Company, approved February the 10th, 1853, and by the name and style of "The Pekin, Lincoln and Decatur Railroad Company," shall be capable, in law, of taking, purchasing, holding, leasing, selling and conveying estate and property, whether real, personal or mixed, as may be necessary for constructing and operating said road; and the right of way and the real estate purchased by said company, whether by mutual agreement or otherwise, or which shall become the property of the company by operation of the law or otherwise, shall,

Corporate name  
and powers.

upon the payment of the amount due to the owner or owners of said lands, become the property of the said company, in fee simple.

§ 2. That said railroad company shall have the power of building, constructing, locating and relocating, furnishing, equipping and extending said railroad, of single or double track, from the town of Pekin, in Tazewell county, to the town of Decatur, in Macon county. That, after the said Pekin, Lincoln and Decatur Railroad Company shall be fully organized, they shall have power to unite with any other railroad, now constructed or in the act of construction or hereafter to be organized, at any point where said road crosses or intersects said road; and may merge and consolidate its stock with that of such railroad, on such terms and conditions as may be mutually agreed upon by the board of directors of such companies; and in case of such consolidation, the consolidated company shall succeed to all the property, rights, powers and franchises of both corporations thus merged into one, and may assume such name as shall be agreed on in the articles of consolidation, which shall be filed in the office of the secretary of state.

Route and construction.

§ 3. That the capital stock of said company shall be two millions of dollars, and may be increased, from time to time, by a vote of a majority in interest of the stockholders, at their annual meeting, or at any special meeting that may be called for that purpose; which stock shall be divided into shares of one hundred dollars each, and may be deemed personal property, and may be issued, certified, transferred and registered in the manner and at such places as may be ordered by the board of directors.

Amount of capital stock.

§ 4. Said company is hereby authorized and empowered to borrow money, to an amount not exceeding its capital stock, for the construction and equipment and the extension, as aforesaid, of their road; and for such purposes, to issue the bonds of the company, and in such sums and forms as shall be prescribed by the board of directors, at a rate of interest, not exceeding ten per cent. per annum, payable semi-annually; and shall have full power and authority to secure the payment thereof by a mortgage or mortgages, a deed or deeds of trust, on all or any part or parts of their said road, right of way, franchises, income or real estate, containing such stipulations and conditions as shall be deemed advisable; and may direct the sale of such lands, at such times, in such manner and on such terms as they may think most advantageous for the interest of the company.

Issuing of bonds.

§ 5. Said company shall construct their road so as to pass through or within one-half mile of the towns of Delavan, Lincoln and Mt. Pulaski.

Route.

§ 6. That as soon as fifty thousand dollars of *bona fide* subscription to the capital stock of said company shall be

Election of directors.



made and five per cent. thereon paid, it shall be lawful for said company to elect a board of directors, not less than five nor more than nine in number, who shall hold their offices for one year and until their successors are elected and qualified. The first election of directors shall be held in the town of Delavan, thirty days' notice thereof having been given, by publication in the towns of Decatur, Lincoln and Pekin; and all subsequent elections shall be held as the by-laws of said company shall prescribe: *Provided*, the said company shall commence work upon said road within four and complete the same within eight years from the passage of this act.

§ 7. This act shall take effect and be in force from and after its passage: *Provided*, that nothing in this act shall be so construed as to authorize said company to acquire, by purchase or otherwise, any lands or real estate, except such as may be necessary for the construction and maintenance of their said road.

Right of way.

§ 8. That when such corporation, hereby created, shall apply for condemnation of any lands, for the right of way, they shall be governed, in estimating the same, by the general laws thereon in force at the time of said application.

APPROVED February 21, 1861.

In force February 20, 1861. AN ACT to regulate the sale of the Quincy and Toledo Railroad and to authorize the transfer of its franchises to the purchaser.

Transfer of the property mortgaged.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That the president of the Quincy and Toledo Railroad Company be and he is hereby authorized, in writing, under the corporate seal of said company, to transfer its corporate franchises to any person or persons, company or corporation, who may hereafter purchase at public auction, said railroad and other property of said company, described in a certain mortgage deed, executed by said Quincy and Toledo Railroad Company, to John Ross, as trustee, bearing date 1st December, 1857, and made to secure the payment of the principal and interest of certain bonds, described in said mortgage deed; and such transfer, when made as aforesaid, and accepted in writing by the purchaser or purchasers aforesaid, shall authorize such purchaser or purchasers to use the corporate name of said Quincy and Toledo Railroad Company, together with all the privileges and franchises heretofore conferred by law on said Quincy and Toledo Railroad Company, as fully as the said Quincy and Toledo Railroad Company could or might do, but subject, nevertheless, to the same

liabilities, for his, her or their own acts, as are now imposed by law, upon the said Quincy and Toledo Railroad Company.

§ 2. The sale of said road and property, described in the first section of this act, shall not divest the said Quincy and Toledo Railroad Company of the power and authority to control said railroad property, together with the rents, revenues, incomes or profits thereof, until the published terms and conditions of the sale have been complied with; nor shall said road and property be sold in other manner, at any other place, or at any other time, than is or may be stated in the published notice of such sale; and in case of two or more bidders for such road and property, the highest bidder, upon complying with the terms of sale within the hours advertised for such sale, shall be the purchaser, and entitled to all the benefits and advantages of this act; but in case such highest bidder shall not within the time aforesaid, comply with the terms of said sale, by actual payment of the money, then and in that case, the next highest bidder, who shall, within one hour thereafter, make a tender of the amount of such next highest bid, shall be to all intents and purposes be the purchaser and owner of such property and road, and entitled to all the benefits and advantages of this act, as fully as if he had been the highest bidder; but in case the highest or the next highest bidder shall not comply or offer to comply, by tender of the purchase money before sunset of the day of sale, then and in that case there shall be no sale, without republication of notice; and where said road and property may thereafter be exposed to public sale the provisions of this act shall apply.

§ 3. The trustee, auctioneer, commissioner or other person selling said road, or acting as crier of bids shall receive and cry all bids and treat all bidders alike, and the auctioneer or crier of such sale, at the selling of said road or other property, whether trustee or any other person, shall make and subscribe an affidavit, before some person authorized by law to administer oaths, in which he shall set forth the names of the highest and next highest bidders for such railroad or other property, and the name of the person to whom the same was by him awarded or stricken off, and that said award was made and done without fraud or collusion with such bidders, or either of them; which affidavit shall be filed with the clerk of the circuit court of the county in which such sale is made, and be by said clerk recorded, as other instruments in writing are now required by law to be recorded, and such record shall be *prima facie* evidence, in all cases, of the facts stated in the said affidavit; and the person or persons authorized to receive the proceeds of the sale of said railroad or other property shall, in like manner, make and subscribe an affidavit, before some person authorized by law to administer oaths, which affidavit shall set

Conditions of sale

Manner of conducting sale.

Affidavit.

forth the manner in which the provisions of this act has been complied with, and the amount of money received by him as the proceeds of the sale herein provided for, and that the same was paid to him and counted by him in the presence of two or more respectable witnesses, resident of the city of Quincy, stating the names of such witnesses, and whether the money so received was paid by the highest or the next highest bidder, and that he will faithfully apply such money to the objects of such sale and none other, which affidavit shall be recorded in the same manner and have the same effect as to the statements therein as the affidavit of the auctioneer or crier of such sale.

§ 4. All false and corrupt swearing, in taking any oath required by this act, shall be deemed perjury, and shall be punished in the manner now prescribed by law for willful and corrupt perjury.

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

APPROVED February 20, 1861.

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In force February 18, 1861. AN ACT to amend an act entitled "An act to incorporate the Rock Island and Alton Railroad Company."

[SECTION 1.] *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the name of Rock Island and Alton Railroad Company be changed and declared to be "The Saint Louis, Alton and Rock Island Railroad Company," and by and under that name said corporation shall be henceforth known and have corporate existence, and hold and be possessed of all the rights and powers and privileges granted to the Rock Island and Alton Railroad Company, by the original charter of said company and the law amendatory thereof, and become vested with all the property and estate and rights of every kind whatever, now vested in the Rock Island and Alton Railroad Company, as fully as if said name had never been changed: *Provided*, that the said Saint Louis, Alton and Rock Island Railroad Company shall be held and declared liable for all the liabilities of the Rock Island and Alton Railroad Company, to the same extent and in the same manner as the said Rock Island and Alton Railroad Company would have been liable, if the change of name herein granted had not been made.

§ 2. The certificate of the secretary, under the corporate seal of said company, shall be received in all courts and places as *prima facie* evidence of the rules and by-laws of said company; of the appointment of agents and officers, of



any order of said company or their directors, and also of the due organization of said company.

§ 3. That the time for the completion of said road shall be extended six years, from and after the fourteenth day of February, A. D. 1861. Time of completion.

§ 4. The said company shall have the right to mortgage their tolls, rents and income. Mortgages.

§ 5. That said company, in securing the payment of their bonds by mortgage or deeds of trust on the road, property, franchises, income and tolls of the corporation, shall have power to execute a mortgage or deed of trust, to secure the payment of the full amount of bonds, which the company may, at the date of said mortgage or deed of trust, deem it advisable to issue, and may at any time thereafter, sell and dispose of the whole amount bearing even date with the said mortgage or deed of trust, or may, from time to time execute, sell and dispose of such amounts of said bonds, and of such dates, and payable to such persons, as the directors may deem advisable, till the whole amount of bonds mentioned in said mortgage or deed of trust shall be executed and sold, and the said mortgage or deed of trust shall be as valid and effectual, to secure the payment of the bonds so executed and sold and each of them, as if the same had been executed of even date with the said mortgage or deed of trust.

§ 6. The said company are hereby authorized to make and issue preferred stock, and guaranty, by dividends or otherwise, to the holder of such preferred stock, over the original stock of said company, a rate of interest not exceeding ten per cent. per annum. Preferred stock.

§ 7. That section five of the act amendatory of the original charter of said company is hereby declared to give said company the power to deal in real estate only for the purpose of facilitating the acquisition of the right of way, depot grounds, and other necessary purposes, and shall not be deemed to grant any power to speculate in real estate. Real estate.

§ 8. That the proviso in section fourteen of the original charter of said company, to-wit: that no cars shall run upon the line or track of the road constructed by the company hereby incorporated, except at the points of crossing or intersecting the same, be repealed.

§ 9. All actions now pending, in which the Rock Island and Alton Railroad Company is plaintiff or defendant, may be prosecuted to final judgment and execution in that corporate name, and no existing right of action or defense in any such pending suit shall be in any way affected by the provisions of this act. Suits now pending.

§ 10. The subscriptions of stock made in the counties of Schuyler, Greene and Scott, by the counties or individuals, when collected, shall be expended on the work done or to be done, respectively, in those counties. Expenditure of certain subscriptions.

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

APPROVED February 18, 1861.

In force February 20, 1861. AN ACT to authorize the inhabitants of the township of Sycamore, in De Kalb county, to subscribe to the stock of the Sycamore and Cortland Railroad Company.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the township of Sycamore is hereby authorized to subscribe for shares of stock in the Sycamore and Cortland Railroad Company, in the sum of ten thousand dollars; which stock, so subscribed, shall be under the control of the supervisor, town clerk and assessor of said township or any other person or persons that they or a majority of them may duly appoint, in all respects as stock subscribed by individuals, who shall hold the same for the benefit of the school fund of the township of Sycamore: *Provided*, that when any stock is subscribed to said railroad company, under this act, the time of the payment of the same shall be so fixed that not exceeding the sum of three thousand dollars principal shall fall due in any one year.

Issue of township bonds.

§ 2. That for the payment of stock so subscribed the said supervisor of the township of Sycamore is hereby authorized and required to issue to said railroad company the bonds of said township, at par, in the sum of one hundred dollars each, bearing interest at the rate of ten per cent. per annum, payable annually, with interest coupons annexed, and executed by the supervisor and countersigned by the town clerk of said township, to the amount of ten thousand dollars, and to pledge the faith of said township for the annual payment of the interest and ultimate redemption of the principal; which bonds may run any period, not exceeding four years. The avails of said bonds, when so issued, shall be applied by the directors of said company in liquidation of the present indebtedness of said railroad company. Said bonds to be payable on the first Monday in March, in whatever year they may be made payable.

Vote upon question of subscription.

§ 3. That before the stock aforesaid shall be subscribed, an election shall be held to ascertain whether the citizens of said township are desirous that said subscription shall be made; which said election may be held at any time within two years from the passage of this act, and shall be called by the supervisor of said township, on the written request of the board of directors of said railroad company, by posting notices in at least five public places in said township ten

days before said election, stating the time, place and object of such election, and publishing the same by at least two insertions in the newspapers published in said township, and the returns thereof made as is now provided by law for the annual elections of town officers: *Provided*, that if the supervisors shall fail or refuse to call said election on request as aforesaid, the same may be called by twelve freeholders, legal voters of said township, by giving public notice as aforesaid.

§ 4. At the election to be held under this act, the vote shall be taken by ballot, upon which shall be printed or written, or partly printed and partly written, "For the Railroad," or "Against the Railroad," and if it shall be found that a majority of the legal voters of said township, voting upon the question, have voted for the railroad, then the subscription to the stock, as aforesaid, shall be made and bonds issued as herein before provided. Election.

§ 5. If a majority of the votes cast at the election held under this act shall be "For the Railroad," then the board of supervisors of the county of De Kalb shall levy a special tax upon all the taxable property in said township of Sycamore, sufficient to pay the principal and interest on said bonds as they shall become due, which tax shall be extended by the clerk of the county court, and collected by the collector of said township of Sycamore, at the same time and in the same manner that the other tax of said township of Sycamore are levied and collected, with the same rights, powers and remedies, to enforce the collection of said tax, by the sale of property, or otherwise, as is now provided for the collection of other taxes for revenue and other purposes, and, when collected, the collectors shall pay the same over to the supervisor of said township, who shall pay the same to the legal holder or holders of said bonds at maturity. Special tax.

APPROVED February 20, 1861.

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AN ACT to incorporate the Shawneetown and Eldorado Railroad Company. In force February 20, 1861.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That Benjamin P. Hinch, Orval Pool, Joseph B. Barger, John Olney, John T. Jones, John D. Richeson, Charles Carroll, John McKee Peeble, Thomas S. Ridgeway and James S. Reardon, Daniel Wood, Simeon K. Gibson, Joel Cook and Robert D. Pearce, John Crenshaw and John S. Campbell, of the county of Gallatin, and Meeks Haley, George E. Burnett, Nathaniel Bramlet, Warner E. Burnett, William H. Parrish, Jo. Rob-



Corporate name  
and powers.

inson, William Elder and Charles C. Guard, of the county of Saline, and state of Illinois, and their associates, successors and assigns, are hereby created a body politic and corporate, under the name and style of "The Shawneetown and Eldorado Railroad Company," with perpetual succession; and by that name be and they are hereby made a body politic, capable, in law and in equity, to sue and be sued, plead and be impleaded, defend and be defended, in any court of law or equity in this state; to make, use and have a common seal, and to alter the same at pleasure; and shall be and are hereby vested with all the powers, rights, privileges and immunities which are or may be necessary to carry into effect the purposes and objects of this act, as herein set forth, which is, to build, own, maintain, use and put in operation, and continue the same, perpetual, if necessary, a railroad, from the town of Shawneetown, in the county of Gallatin, and state of Illinois, by way of the town of Equality, to the town of Eldorado, in the county of Saline, and state of Illinois; and for that purpose said company is hereby authorized to lay out their road, not exceeding two hundred feet wide, throughout the entire length of their said railroad, and to construct said railroad, with one or more tracks, with all necessary side tracks, turnouts, depots, wharves, stations, machine shops, water tanks and other necessary buildings, inclosures and structures, necessary to put in successful operation their railroad.

Route of construction.

Use of the Shaw-  
neetown and  
Alton track, &c.

§ 2. *Be it further enacted*, That said railroad company, and successors and assigns, are hereby authorized and empowered to take, use, occupy and own the right of way, together with the grades, bridges, culverts, embankments, excavations, ties, and all the materials on the line of the old Shawneetown and Alton railroad line or survey, to the west boundary line of the said county of Gallatin.

Right of way.

§ 3. *Be it further enacted*, That said railroad company, for the purpose of acquiring the right of way, from such point as may be designated by them, on the said line of the Shawneetown and Alton railroad line, at or west of the town of Equality, to the said town of Eldorado, or for the purpose of constructing, building, reconstructing or rebuilding, completing and keeping in good order their said railroad, with all the necessary side tracks, turnouts, wharves, depots, station houses, machine shops, water tanks, and other structures or things, along the whole line of their railroad; and, for the purpose of obtaining stone, sand, gravel, earth, or other materials, for constructing, building, reconstructing, rebuilding or repairing their said railroad and other structures, said railroad company may and they are hereby authorized and empowered to take, condemn, use and occupy the same, under the laws now in force for condemning lands for similar purposes: *Provided, however*, said railroad company may obtain the same by mutual

agreement with the owners thereof, if they be persons of mature age and sound mind.

§ 4. *And be it further enacted*, That the capital stock of said railroad company shall be one million of dollars, which shall be divided into shares of one hundred dollars each; and each share on which there is no unpaid calls shall entitle the *bona fide* owner thereof to one vote, either in person or by legal proxy, in all elections for directors, or for increasing the capital stock of said company, and on such other matters and things as may be designated in the by-laws, rules and regulations of said company. Capital stock.

§ 5. *And be it further enacted*, That said railroad company is hereby authorized, on the passage of this bill, or at such other time as they may deem practicable, to organize, by electing a board of directors, to consist of any number they may designate, not exceeding seven, and shall, annually, thereafter, elect their board of directors; which board of directors, when so severally elected, shall organize, by electing some one of their number president, and some competent person, who shall be a stockholder in said company, secretary, whose duty it shall be to keep a perfect record of all the acts of said board of directors, and do and perform all the duties of secretary of said company; which record, so kept, shall be open to the inspection of any member of said company, when desired. Board of directors.

§ 6. *And be it further enacted*, That the said board of directors shall have power to pass all needful by-laws, rules and regulations, which they may deem practicable, for the government of the affairs and property of said company, not inconsistent with the constitution and laws of the United States and of this state, nor with the provisions of this act. They shall also have power to issue bonds and negotiate the same, and to borrow money, and mortgage their property, both personal and real, or mixed, for the payment of said bonds so negotiated, or money so borrowed; and all the stock subscribed to said railroad company shall be deemed personal property, and may be transferred, by an assignment thereon, agreeable to the rules and regulations of said company; and said company may purchase lands and other property, with their stock. By-laws and rule

§ 7. *Be it further enacted*, That said company may have power to connect their railroad with or cross any other road now laid out or that may hereafter be laid out and constructed in this state. Issuing of bonds.

§ 8. *Be it further enacted*, That said company shall commence their said railroad within seven years from the passage of this act, and shall complete the same within seven years thereafter.

§ 9. *Be it further enacted*, That said railroad company, after they organize, may open books, at such times and Crossings and connections.

Subscriptions.

places as they may deem practicable, for the subscription of capital stock to said railroad company.

§ 10. *Be it further enacted*, That all the privileges necessary for the erection, completion and putting in successful operation their railroad, not conferred by the provisions of this act, may be obtained under the provisions of "An act to provide for a general system of railroad incorporations," approved November the 5th, 1849.

§ 11. *Be it further enacted*, That this act shall be deemed a public act, and be in force from and after its passage.

APPROVED February 20, 1861.

In force February 22, 1861. AN ACT to amend an act entitled "An act to incorporate the Springfield and Pana Railroad Company," approved February 16, 1857.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That the time for commencing the construction and completion of the Springfield and Pana railroad be extended for the term of ten years, from and after the passage of this act.

Time of completion.

Secretary's certificates.

§ 2. The certificate of the secretary of said company, under the seal of said company, shall be received in all courts and places as evidence of their rules and by-laws, of the appointment of agents and officers, or of any order of said company or their directors, and also of the due organization of said company.

Subscriptions.

§ 3. The persons named in the first section of the act to which this is an amendment, or any three of them, are hereby authorized to open subscription books for said stock, at such places as they may deem proper, and shall keep said books open until fifty thousand dollars of said capital stock shall be taken. The said commissioners, or any three of them, shall, immediately thereafter, call a meeting of the stockholders, by giving twenty days' notice in some newspaper printed in Springfield, Taylorville or Pana, and, at such meeting, it shall be lawful to elect five directors of said company; and when the directors of said company are chosen, the said commissioners shall deliver the said subscription books, with all sums of money received by them, as commissioners, to said directors. No person shall be a director in said company unless he shall own or be a subscriber of at least one share of the capital stock.

Directors.

§ 4. The immediate government and direction of said company shall be vested in five directors, who shall be chosen by the stockholders of said company, in the manner provided in this act and the act to which this is an amend-



ment, who shall hold their office one year after their election, and until others shall be duly elected and qualified to take their places as directors; and the said directors, or a majority of them, shall form a quorum for the transaction of business, shall elect one of their number to be president of the company. The said board of directors shall have power to appoint all necessary officers and clerks of business of said company. In case of the absence of the president of the board, the board of directors shall have power to elect a president, *pro tempore*, who shall exercise, for the time being, all the legal powers of the president of said board; and said board of directors, or a majority thereof, shall have power to make and ordain such rules and by-laws as may be necessary or expedient for the government of the company, its servants and agents. Officers.

§ 5. Section six of the act to which this is an amendment is hereby repealed, and all parts of said act conflicting with this amendatory act.

§ 6. The said company is hereby authorized to receive subscriptions to its capital stock, payable in money, labor, materials, ties, or other personal property or real estate; and on a failure or refusal of any subscriber, his heirs, executors or administrators, to make such payment or comply with the conditions thereof, the said company may proceed, by suit, in any court having competent jurisdiction thereof, and recover the amount or value of the same in money; and the said company is also hereby authorized to receive subscriptions to the capital stock of said railroad company, payable at any time thereafter, either when the entire road or any part of it is completed or in operation, and, to secure the payment of the same, may take and receive notes or bonds, either with or without personal or real estate security, or with or without interest, not exceeding ten per cent. per annum, as may be agreed upon or ordered by its commissioners or board of directors. The notes, bonds or other security, as herein provided for, may be by said company assigned or transferred; and such assignment or transfer shall vest in the assignees or assigns the legal title thereto. Subscriptions to  
be paid in labor,  
materials, &c.

§ 7. The said railroad company is hereby authorized to purchase, receive and hold such real estate as may be deemed necessary for the interests of said company, and shall also be authorized to sell and convey, by deed, in fee simple, any or all real estate belonging to or acquired by said company, which, in the judgment of its board of directors, is not needed for the purposes of said company. Real estate.

§ 8. This act, as also the original charter of said company, shall be deemed public acts, and shall be so received and taken notice of in all courts and places.

APPROVED February 22, 1861.

In force February 18, 1861. AN ACT to perfect the title of the purchasers of the Terre Haute, Alton and St. Louis Railroad, and to enable such purchasers, when the road is sold, to form a corporation, and defining the rights and duties of such corporation.

Name and organization of new company.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That in case the railroad of the Terre Haute, Alton and St. Louis Railroad Company, or any part thereof, shall be sold by virtue of any mortgage, mortgages or deed or deeds of trust, either by foreclosure or other proceedings in law or equity, or in pursuance of a power in such mortgage or mortgages, deed or deeds of trust contained, or by joint exercise of the said authorities, the purchaser or purchasers of the same, or their survivors or survivor, or they and their, or he and his associates, or their or his assigns, may form a corporation, by the name of "The Saint Louis, Alton and Terre Haute Railroad Company," by filing in the office of the secretary of state a certificate, under their or his signature, specifying the number of directors of said new corporation (a majority of whom shall always be citizens of the state of Illinois, residing in the counties along the line of the road, who shall be not less than five nor more than thirteen in number,) and the period, not exceeding one year, of their service, the amount of their original capital and the number of shares into which such capital is to be divided; and, thereupon, the persons who shall have signed such certificate, and their successors, shall be a body politic and corporate, by the name of "The St. Louis, Alton and Terre Haute Railroad Company;" and a copy of such certificate, attested by the signature of the secretary of state or his deputy, shall, in all courts and places, be evidence of the due formation and existence of the said corporation and of the facts in the said certificate stated.

Corporate powers.

§ 2. The said St. Louis, Alton and Terre Haute Railroad Company shall have power to acquire, by purchase or otherwise, and to hold, use and enjoy the Terre Haute, Alton and St. Louis railroad, and each and every part thereof, whether situate within or without this state; and all equipments, machinery, tools and materials, all lands, property, rights and things connected therewith or necessary to the use thereof, together with the tolls, income, rents issues and profits of the same, and shall have power to maintain and operate the same, as fully as might have been done by the Terre Haute, Alton and St. Louis Railroad Company; and the said corporation shall also possess and enjoy all the faculties, powers, authorities, immunities, privileges and franchises, at any time held by the said Terre Haute, Alton and St. Louis Railroad Company, or by any of the other corporations heretofore consolidated into the said company or conferred on the said company, or the said corporations, or either of them, by any act or law of this state or of the state

of Indiana, and shall have capacity to hold and exercise, without this state, all the said faculties, powers, authorities, privileges and franchises, and all others which may hereafter be conferred upon it by or under any law of this state or of other states; and the said St. Louis, Alton and Terre Haute Railroad Company, when formed, in pursuance of this act, shall have power to create and issue capital stock, in shares of fifty dollars each, and to such aggregate amount as shall be deemed necessary to carry out the objects of this act, not exceeding any amount which may be fixed by agreement with the persons forming the said new corporation, in accordance herewith; and may establish preference, in respect to dividends, in favor of one class of the stock, in such order and manner, and to such extent, and with such securities as it may deem expedient, not exceeding in the aggregate any amount fixed as aforesaid; and may confer on holders of any bonds which it may issue or assume to pay such rights to vote at all meetings of stockholders, not exceeding one vote for every one hundred dollars of the par amount of the said bonds, as may by it be deemed advisable; which rights, when once fixed, shall attach to and pass with such bonds, under such regulations as the by-laws may prescribe, to the successive holder thereof, but shall not subject any holder to assessment by the said company or to any liabilities for its debts or entitle any holder to dividends; and the said corporation may make and issue its bonds, of not less denomination than one hundred dollars each, payable at such times and places, bearing such rates of interest, not exceeding seven per cent. per annum, payable semi-annually at such place or places as may be agreed upon, as it may deem expedient; and may hypothecate or sell such bonds, within or without this state, when issued, to raise or borrow money, at a price not less than eighty cents on the dollar; and all other bonds to be issued shall be sold or exchanged at par; and in no case shall bonds, whether hypothecated or sold, become a debt or liability of the corporation at less than eighty cents on the dollar; and the said company may secure the payment of any bonds which it may make, issue or assume to pay, by mortgage or mortgages or deed or deeds of trust of its railroad, or any part thereof, or any other of its property, real or personal, and may include in any such mortgage or mortgages or deed or deeds of trust any locomotives, cars and other rolling stock or equipments, and any machinery, tools, implements, fuel and materials or other real or personal estate, whether then held or thereafter to be acquired, for the constructing, operating, repairing or replacing of the said railroad, or any part thereof, or of any of its equipments or appurtenances; all of which property and things, so included, whether then possessed or thereafter to be acquired, shall be subject to the lien and operation of every such mortgage or deed of trust, in the same man-

Capital stock.

Rights of bondholders.

Issuing of bonds.

Mortgage of property.



ner and with the like effect as if such property constituted a part of such railroad; and may also include all franchises held by the said corporation and connected with or relating to the said railroad; and all corporate franchises of the said company, which said franchises are hereby declared, in case of sale by virtue of any such mortgage or deed of trust, to pass to the purchaser or purchasers, so as to enable him or them to form a corporation, in the manner herein prescribed, and to vest in such corporation all the faculties, powers, authorities, immunities, privileges and franchises, conferred by this act; and the said corporation may do all things which may be necessary or convenient, to carry into full effect the powers hereby granted; and the powers hereby conferred may be exercised by the directors thereof; and the directors of said new company shall, at each annual meeting, submit to the stockholders a report in detail of their acts and doings.

Existing liabilities.

§ 3. That the said St. Louis, Alton and Terre Haute Railroad Company shall, within six months after its organization, have power to assume such debts, liabilities and claims against said Terre Haute, Alton and St. Louis Railroad Company, and make such settlements or adjustments with any of the stockholders or other parties interested therein, as it may deem proper and as is provided for in this act; and, for such purpose may use such portion of the stock or bonds hereby authorized to be created, and in such manner as is in and by this act directed and provided.

Sale under mortgage.

§ 4. That in case the Terre Haute, Alton and St. Louis railroad, or any part thereof, may have been or shall be decreed by any court of this state, or by any circuit court of the United States, for a district in which any part of said railroad is situated, to be sold by virtue of any mortgage or mortgages or deed or deeds of trust upon the same, containing a power of sale to the trustee or trustees, it shall be lawful for the said trustee or trustees to unite with the proper officers in making such sale, or, under the order of the court, to make such sale, at the time and place appointed by the court, and with such notice as may be ordered by the court, and to execute a conveyance of the said railroad, or the part thereof that may be sold; and such sale and conveyance shall be a valid and effectual execution of the powers of sale and conveyance contained in the said mortgage or mortgages or deed or deeds of trust, and shall operate to invest the purchasers with the title to the railroad property, and things sold, as aforesaid, freed and discharged from all right and equity of redemption by the mortgagor or junior incumbrances or any other party whatsoever.

Transfers and assignment.

§ 5. That full authority is hereby given to the corporate authorities of the several counties, townships, cities, villages or municipal corporations, owning stock in said company, and to all persons holding stock in the said company, in any

fiduciary capacity, to transfer, assign or surrender the same, and to accept and receive, under the organization, such portion of new stock as may be apportioned to the stock so owned or held.

§ 6. The said St. Louis, Alton and Terre Haute Railroad Company, when organized, as in this act provided, may hold meetings of stockholders or of directors, or both, either at St. Louis, in the State of Missouri, or at Terre Haute, in the state of Indiana, as well as in this state; and the said company or corporation is hereby expressly and forever prohibited from having its treasury or any office or place of business at any point out of the limits of the state of Illinois, other than at Terre Haute and at St. Louis.

§ 7. All the powers and franchises, by this act conferred, and the right to exercise the same, as a body corporate, shall become null and void unless the said St. Louis, Alton and Terre Haute Railroad Company shall, within six months after its organization, as is herein provided for, provide, as is hereinafter directed, for the junior incumbrances, general creditors, unsecured by deed of trust or mortgage, and stockholders in the Terre Haute, Alton and St. Louis Railroad Company, by issuing to the junior incumbrances, creditors and stockholders certificates of stock in said St. Louis, Alton and Terre Haute Railroad Company, as herein provided, that is to say: for the amount due upon the third and fourth mortgage bonds of the said Terre Haute Alton, and St. Louis Railroad Company, calculating interest on such bonds and on the past due coupons pertaining to such bonds, at the rate of seven per cent. per annum, and providing only for such bonds as have been actually sold and for the amount for which the same have been sold, in preferred stock of said St. Louis, Alton and Terre Haute Railroad Company, upon which preferred stock dividends, at a rate not exceeding seven per cent., may be paid till the common stock hereinafter provided for shall receive a like dividend, and then such preferred stock shall receive equal dividends with the common stock, for the excess of dividends to be declared; for all other creditors, common stock, for the full amount of their debts, and to stockholders for *bona fide* stock by them held, stock for the half of the stock by them so held: *Provided*, that the board of directors provided for in this act shall have power and it shall be their duty to pass necessary by-laws for the adjustment and settlement of the floating debt that has heretofore accrued along the line of said railroad: *Provided, further*, that nothing herein shall prevent the directors of said St. Louis, Alton and Terre Haute Railroad Company from issuing preferred stock to any of the unsecured creditors of the Terre Haute, Alton and St. Louis Railroad Company, when the equities of such claim shall, in the judgment of the directors, demand such preference: *And provided, further*, that no person, bond-

Meetings of stockholders.

Certificates of stock.

Settlement of floating debts.

holder, creditor or stockholder, shall have the benefit of this section without surrendering and transferring to the St. Louis, Alton and Terre Haute Railroad Company, within the time aforesaid, the bonds, claims, demands or stock for which he shall desire the issue of new stock by the St. Louis, Alton and Terre Haute Railroad Company: *And, provided further*, that the said St. Louis, Alton and Terre Haute Railroad Company shall proceed to fence the line of said road, and shall expend thereon at least twenty thousand dollars, in each and every year, till the line of said railroad is completely fenced.

Selling of stock.

§ 8. After the reorganizing and the formation of a corporation, as herein provided, all persons who may have stock killed, (and for the killing of which the said company may be legally liable,) and also all persons who may furnish, by contract, wood, ties or other materials or supplies, or work and labor, of any kind, for the use maintenance, improvement or operation of said railroad, shall, to secure the payment therefor, have a prior lien over all other and future mortgages, deeds of trust or other incumbrances upon the said railroad and all equipments, machines, tools, property and other things connected therewith.

Freight tariffs.

§ 9. The said St. Louis, Alton and Terre Haute Railroad Company shall have the right to fix the rates of toll or tariff for all passengers or freight, transported over the line of their said road, with such discrimination as to them shall seem most conducive to the interests of said road.

Sale of real estate.

§ 10. The said St. Louis, Alton and Terre Haute Railroad Company shall have power to bargain, sell and convey any real estate which they may hold or acquire, and which is not necessary to the business operations or use of said road; and any mortgage or deed of trust executed by said St. Louis, Alton and Terre Haute Railroad Company shall not be a lien on any of such real estate.

Application of the earnings.

§ 11. The earnings of said road, after paying the operating and contingent expenses of said road and the paying of all necessary repairs and improvements, shall be applied, first, to the payment of interest on the bonds of said road, which now are a lien, as well as those to be hereafter issued, according to the order of their priorities; next, in providing for a sinking fund for the retirement of such bonds, which sinking fund shall not exceed two per cent. of the gross earnings of said road, in each year; and, next in the payment of dividends on the stock, according to the order of priorities of the stock, as hereinbefore provided.

Payment of claims.

§ 12. All *bona fide* claims or judgments, for stock heretofore killed by the Terre Haute, Alton and St. Louis railroad, and all claims for right of way on that part of the road from Belleville to Illinoistown, and all just dues for work and labor done and for wood and ties furnished or taken for the said Terre Haute, Alton and St. Louis Railroad Compa-



ny, and all judgments had for the same, which have not been arranged or settled by said Terre Haute, Alton and St. Louis Railroad Company, shall be assumed and paid by the St. Louis, Alton and Terre Haute Railroad Company as a condition precedent to the operation of this act.

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

APPROVED February 18, 1861.

AN ACT to make a certain appropriation.

In force January  
30, 1861.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That the auditor of public accounts is hereby directed to draw a warrant on the treasury in favor of Mrs. E. K. Bissell, widow of the late Governor Bissell, for a sum of money which will be equivalent in amount to the salary for the unexpired term of the late governor, from the time of his death.

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

APPROVED January 30, 1861.

AN ACT for the relief Morris Lindsay, postmaster of Springfield.

In force February  
5, 1861.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That the auditor be directed to draw his warrant upon the treasury in favor of Morris Lindsay, postmaster at Springfield, for such an amount as shall be necessary to reimburse him for his advances to the last general assembly for postage, with interest at ten per cent. per annum, it being understood that said Lindsay has received the principal, with six per cent. interest, and the amount to be paid under this act is an additional amount of interest equal to the difference between six and ten per cent.; said sum to be paid out of any money in the treasury which is now or may be hereafter authorized to be paid by virtue of any act of the general assembly.

APPROVED February 5, 1861.

In force February  
22, 1861.

AN ACT for the relief of James Michie.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That James Michie be allowed the sum of thirteen hundred and eighty-three dollars and sixty-nine cents, in full for principal and interest due him from the state, for the amount of orders held by him, and drawn by contractors on the Illinois and Michigan Canal upon the canal commissioners. And the auditor of public accounts be and he is hereby authorized and directed to draw his warrant on the treasurer, in favor of the said James Michie, for the above amount.

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

APPROVED February 22, 1861.

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In force February  
21, 1861.

AN ACT for the relief of Edmund Sowers.

WHEREAS Edmund Sowers, on the nineteenth day of November, in the year of our Lord one thousand eight hundred and fifty-three, did, in pursuance of an act entitled "An act to provide for the sale of public property and the payment of the public debt," approved March 4th, 1843, and all subsequent laws, purchase of the state of Illinois, the west half of the northeast quarter of section No. one, in township No. fourteen south, range No. one west of the third principal meridian, containing seventy-eight 84-100 acres, being a part of the lands granted by the United States to the state of Illinois, by an act of congress, entitled "An act to appropriate the proceeds of the sales of the public lands, and grant pre-emption rights," approved September 4th, 1841, and did pay into the treasury of the state the sum of two hundred and seventy-six dollars and twelve cents, in cash, therefor; and whereas Joel A. Matteson, governor of the state of Illinois, on the 26th day of December, 1853, by letters patent, granted to Edward Sowers, his heirs and assigns, the tract of land above described, purchased as aforesaid by Edmund Sowers; therefore,

*Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the lands so purchased by the said Edmund Sowers, but conveyed by the said governor, through mistake or inadvertence, to Edward Sowers, his heirs and assigns, are confirmed, and, by virtue hereof, are to inure to the benefit of the said Edmund Sowers, his heirs and assigns, forever.

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

APPROVED February 21, 1861.

Conveyance  
lands. of

AN ACT to provide for paying amount due Andrus B. Stone, for building bridge across the Kankakee river, at Wilmington, under "An act to authorize the towns and townships therein named to levy and collect moneys, and expend the same in building a bridge across the Kankakee river, at Wilmington," approved February 15th, A.D. 1855. In force February 22, 1861.

WHEREAS, in pursuance of an act of the general assembly of the state of Illinois, entitled "An act to authorize the towns and townships therein named to levy and collect moneys and expend the same in building a bridge across the Kankakee river, at Wilmington," approved February 15th, 1855, the Kankakee Bridge Company, created by said act, have built a bridge across the Kankakee river, at Wilmington, and the tax authorized by said act to be levied has been levied and collected; and whereas, by a decree of the circuit court of Will county, in chancery, a part of the money so collected was ordered to be and was paid out to persons not entitled thereto, thereby placing it out of the power of said Kankakee Bridge Company to pay the full amount of the indebtedness incurred by them in building said bridge, leaving said Kankakee Bridge Company justly indebted to A. B. Stone, L. B. Boomer and N. S. Bonton, for labor performed upon and materials furnished for said bridge, in the sum of twenty-eight hundred fifty-seven (\$2,857 92) and 92-100 dollars, for which sum judgment was rendered against said company, in favor of Andrus B. Stone, in the circuit court of the United States for the Northern District of Illinois, on the ninth day of November, A.D. 1859; therefore,

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the sum of thirty-eight hundred seventy-two (\$3,872 80) and 80-100 dollars, being the amount of the judgment aforesaid, with interest thereon and costs therein, with the expenses of collecting the same to be added thereto, shall be assessed upon all property liable to taxation in the towns of Wilmington and Reed, in Will county, and the towns of Essex and Norton, in Kankakee county; which tax shall be levied and collected with the general tax for the year 1861. Taxation.

§ 2. The board of auditors of each of said towns shall, when they prepare a statement of taxes for their town, for the year 1861, also ascertain and certify to the county clerk of the county in which the town is situated, what amount of the sum aforesaid shall be raised in each of said towns; and such amount shall be collected as other town taxes are, and, when collected, shall be applied in payment of the judgment aforesaid. Statement of the board of auditors.

§ 3. The amount to be paid by each of said towns shall be determined by an inspection of the assessment books of all of said towns, and paid in such manner that the same



rate shall be levied upon the taxable property in each of said towns.

Legal proceeding.

§ 4. That the said Kankakee Bridge Company be and they are hereby empowered to institute and carry on legal proceedings, in the name of said company, or otherwise, to recover any and all moneys collected under said act, which have not been legally applied to the payment of the debts incurred by said company in building said bridge; and the money so recovered, if any, shall be applied, after paying the expenses attending such recovery, upon the judgment in favor of Andrus B. Stone, aforesaid.

§ 5. That the amount of money, if any, so recovered by said Kankakee Bridge Company, and by them applied upon said judgment, shall be by said company certified to the board of auditors of each of said towns, on or before the day appointed by law for said boards to certify the amount to be collected; which amount, so certified by said company, shall be deducted from the amount authorized by this act to be collected.

Repairs.

§ 6. That in case any money shall remain, after satisfying said judgment and costs against said Kankakee Bridge Company, either from the collection of the above tax or by recovery by said Kankakee Bridge Company, the same shall be used to repair said bridge, and for no other purpose.

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

APPROVED February 22, 1861.

In force February  
20, 1861.

AN ACT for the relief of Frank Talbert.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That whatever sum of money may be recovered of Simeon Lantz and Nelson O. Laycock, the sureties of Julius Talbert and Rachel Talbert, who were indicted in the McLean circuit court for cruel and inhuman treatment of their child, Frank Talbert, and who forfeited the bond upon which Simeon Lantz and Nelson O. Laycock were sureties, shall be paid to the guardian of said Frank Talbert, to be held in trust for the use and support of said minor, Frank Talbert, during his minority; and such amount as may remain, after legal disbursements during the minority of said Frank Talbert, shall, by his guardian, be paid to him upon his arriving at the age of twenty-one years.

Appointment of  
guardian.

§ 2. That the probate court of the county of McLean is hereby authorized and directed to appoint a proper person

to act as the guardian of said minor, Frank Talbert, upon such person giving bond in the amount and in the form usual in such cases; and the said guardian is hereby authorized and directed to urge and secure the collection of the amount due on said forfeiture, and receive the same; and he shall make settlement for the money received with the probate court, as required of guardians under the general laws of this state.

§ 3. In case the said Frank Talbert shall die during his minority, then the guardian appointed under this act shall pay into the common school fund of McLean county the sum remaining due of said money, after the payment for the support and education of said minor.

APPROVED February 20, 1861.

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AN ACT for the relief of Wm. Wheeler.

In force February  
22, 1861.

WHEREAS Wm. Wheeler was sheriff of Macon county for the years A. D. 1858 and A. D. 1859; and whereas it appears that the said Wm. Wheeler was unable to make out and file with the clerk of the county court of said county, for the years eighteen hundred and fifty-eight and eighteen and fifty-nine, at the June terms thereof, statements, in writing, setting forth the names of all the persons for those years respectively charged with taxes on personal property, which he has been unable to collect, by reason of the insolvency or removal of such person, or in consequence of errors in the assessment, or in the list furnished him as required by section fifteen of an act regulating the collection of the revenue, approved Feb. 12, 1853:

*Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the said William Wheeler may, at any meeting of the board of supervisors, holden for the county of Macon, after the passage of this act, make and file such list, as provided in said section; and the like proceedings may be had thereon as if the same had been made and filed at the time specified in said section. Tax list.

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

APPROVED February 22, 1861.

In force February  
22, 1861.

AN ACT to extend a road therein described, in the county of Adams.

Extension of road

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the road running north and south on the section line between sections sixteen and seventeen and part of the way on the section line between sections eight and nine, all in township No. one (1) south, in range No. eight (8) west of the fourth principal meridian, in the town of Ellington, county of Adams, and state of Illinois, be extended, northward, on the section line between said sections eight and nine, to the northern boundary of said sections eight and nine, where it will intersect the public road known as the Quincy and Rushville road.

§ 2. *Be it further enacted,* That the road described in the foregoing section, together with the extension therein provided for, be and the same is hereby declared to be a state road.

Duty of highway  
commissioners.

§ 3. *Be it further enacted,* That it shall be the duty of the commissioners of highways in the town of Ellington, and county and state aforesaid, on or before the first day of July, A. D. 1861, to open or cause to be opened the portion of said road extended by the first section of this act of the same width as that portion of said road which is now used, worked and traveled; and the commissioners of highways in the town of Ellington, aforesaid, and their successors in office, are hereby required to work, make passable and keep passable all of said roads, in the same manner as other roads in said town of Ellington are worked and kept in repair.

§ 4. *Be it further enacted,* That this act shall take effect and be in force from and after its passage.

APPROVED February 22, 1861.

In force February  
18, 1861.

AN ACT to locate a state road from Jeffersonville, in Wayne county, to Albion, in Edwards county.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That N. P. Branch and Samuel I. R. Wilson, of Wayne county, and John Curtis, of Edwards county, be and they are hereby appointed commissioners to lay out and establish a state road, from the town of Jeffersonville, in Wayne county, to the town of Albion, in Edwards county, by the way of New Massillon, in said Wayne county, on the most eligible route between said points.

§ 2. Said commissioners shall meet at the said town of Jeffersonville, on the first Monday in May next, or as soon thereafter as may be practicable, and, after being duly



sworn faithfully to perform their duties under this act, shall proceed to locate said road, as directed in the first section of this act. Said commissioners shall, as soon as said road may be located, make a report and plat of said road, and deliver a copy thereof to the clerk of the county court of each county through which said road may run; which copies shall be certified by said commissioners, and shall be filed and preserved by said clerks in their respective offices.

§ 3. Said road, when so laid out, shall be and the same is hereby declared to be a state road, and shall be opened and kept in repair as other state roads. The county courts of said counties shall make such compensation to said commissioners as they may think just; which shall be paid by said counties, in proportion to the number of miles of road in each county.

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

APPROVED February 18, 1861.

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AN ACT to relocate a part of a certain state road therein mentioned.

In force February  
21, 1861.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That David Green, B. F. Ross and W. F. Lamer, of Union county, be and they are hereby appointed commissioners to view, mark and locate a part of the state road leading from Murphysboro, in Jackson county, to Jonesboro, Union county, as follows: Leaving the old road, above mentioned, at the farm of Henry Lingle, in said county, thence, through the town of South Pass, to intersect the present road, at David Green's.

§ 2. Upon such location being made said commissioners, or any two of them, shall make a report of the same to the county court of Union county; and said court shall cause said road to be opened and kept in repair; and said road is hereby declared to be a state road. This act to be in force from and after its passage.

Commissioners'  
report.

APPROVED February 21, 1861.

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AN ACT to locate and establish a state road from a point in the Vincennes and Chicago road to a point in the road leading from Paris, in Edgar county, to Springfield.

In force February  
22, 1861.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That Jacob Rogers, Archibald Myers and Jeremiah Myers, of Edgar

Route of road.

county, be and they are hereby appointed commissioners to view, mark and locate a state road, in the county of Edgar, beginning at a point in the Vincennes and Chicago road, at a cross-road, at or near the southeast corner of the southwest quarter of the southwest quarter of section nineteen, in township fifteen north, range eleven west, and running, thence, west, to the range line dividing ranges eleven and twelve west; thence, west, on the section lines, to the northwest corner of section thirty, in township fifteen north, range twelve west; thence, south, on the range line, one-fourth of a mile; thence, in a southwestwardly direction, on the most practicable route, through the Mulberry Grove, to the northeast corner of section thirty-three, in township fifteen north, range thirteen west; thence, west, on the section lines, to the northwest corner of section thirty-two, same township and range; thence, south, on the section line, to the township line; thence, east, on the township line, to the northwest corner of section five, in township fourteen north, range thirteen west; thence, south, on section lines, to the county road known as the Paris, Pilot Grove and Upper Catfish road.

Meeting of commissioners.

§ 2. Said commissioners, or a majority of them, shall meet at the house of Jacob Rogers, in said Edgar county, on the first Monday of May next, or within twenty days thereafter, and, after being duly sworn by some officer duly authorized to administer oaths, shall proceed to discharge the duties required of them by this act.

Surveyors, &c.

§ 3. Said commissioners, in the discharge of their said duty, shall procure the services of a competent surveyor, chain carriers and other necessary assistants, and shall lay out, view and locate said road, by courses and distances.

Filing of plat.

§ 4. Said commissioners shall, within a reasonable time after they shall have laid out, viewed and located said road, as by this act they are required to do, cause a correct plat thereof to be made by said surveyor, and shall file such plat, together with a copy of the field notes of such survey, in the office of the county clerk of Edgar county; and said county clerk shall record said plat and field notes in the book of record of proceedings of the county board of said county.

§ 5. Upon the filing of such plat and field notes in the office of said county clerk and the recording thereof, as by this act required, said road shall and is hereby declared to be a state road and public highway, sixty feet in width, and shall be opened, worked and repaired as such.

Compensation.

§ 6. Said commissioners shall be entitled to and allowed, as compensation, the sum of one dollar and fifty cents, each, per day, for each and every day necessarily spent in the discharge of the duties by this act required of them. Said surveyor shall be allowed and entitled to, as compensation for his services, the sum of three dollars per day; and said

chain carriers and all other necessary and proper assistants shall be each entitled to and allowed the sum of one dollar per day, for each day necessarily employed in the discharge of the duties by this act required, to be paid out of the treasury of said Edgar county.

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

APPROVED February 22, 1861.

AN ACT to locate and establish certain state roads therein named, through the counties of Perry, Randolph and Jackson. In force February 18, 1861.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That Ephraim Ruse, Jacob Short and Ruse Osburn, are hereby appointed commissioners to view and mark out a state road, commencing at the southeast corner of Osburn's addition to the town of Pinckneyville; thence, south, on the land lines through the lane between Thomas Sterlings and Mr. Anderson's; thence, the nearest and best route, to the old Nettleton farm; thence, to the Chester and Mulkytown road; thence, west, along said road, to the village of Denmark; thence, to Jacob Short's; thence, the most eligible route, to Liberty, in Randolph county—the viewers avoiding, as much as possible, the injury of private property. Relocation of road.

§ 2. Said commissioners, or a majority of them, shall meet to perform the duty required of them at Pinckneyville, at any time before the first day of December, 1861; and before entering upon the duties assigned them by this act shall take an oath, before some justice of the peace, faithfully to discharge their duties required of them by this act. Meeting of commissioners.

§ 3. Said commissioners shall make out a plat of said road, with the distance, from point to point; which plat, when so made out, shall be certified to by said commissioners, or a majority of them, and a copy thereof filed in the office of the clerk of the county courts of Perry, Jackson and Randolph counties; and the county courts shall then cause so much of said road as lies within their respective counties to be opened, sixty feet wide, and kept in repair as other state roads. Plat.

§ 4. Should any person or persons claim damages, by reason of said road passing over his, her or their premises, the same shall be assessed and paid in the manner now provided by law. Damages.

§ 5. The said commissioners, or a majority of them, shall make out and present to the county court of each Compensation.



county in which said road may be located a certified copy of their time and number of hands, respectively employed in each county; thereupon it shall be the duty of said court to make compensation for the same severally due, in proportion to the number of days in each county, allowing to each commissioner the sum of two dollars per day, and to each hand employed the sum of one dollar and fifty cents per day, and to the surveyor the sum of two dollars and fifty cents per day, for each day necessarily employed in locating said road through their said counties.

§ 6. That the road that is now traveled from Murphysboro, crossing Beaucoup at the Highbonk Lick; from thence to Vergennes, Creekpaum's bridge, H. S. Osburns, and to Pinckneyville; thence, west, along the new road viewed out by Robert Fallon, J. M. Sullivan and E. B. Rushing, to the St. Louis road; thence, west, along said road, to the Grand Coat Prairie; thence, to Athens, in St. Clair county. This above mentioned road is hereby declared to be a state road; and it shall be the duty of the counties of Jackson, Perry and St. Clair to have said road opened, sixty feet wide, and kept in repair as other state roads.

§ 7. And so much of the old St. Louis road as lies between Pinckneyville and the junction of the new road, that was laid out by Robert Fallon, J. M. Sullivan and E. B. Rushing, is hereby disannulled and vacated.

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

APPROVED February 18, 1861.

In force February  
22, 1861.

AN ACT legalizing a certain public road therein named.

WHEREAS James Winters, of the town of Clarion, and David Nichols and William Morrison, of the town of Westfield, in the county of Bureau, and state of Illinois, did, on the first day of February, eighteen hundred and sixty, appeal to David Hall, John H. Bryant and Enos Smith, three supervisors of the towns of La Moille, Princeton and Berlin, in said county, from an order and determination of the commissioners of highways of said towns of Clarion and Westfield, in relation to the laying out a public highway on the south side of the Chicago, Burlington and Quincy railroad, from the town or village of Arlington to the east line of said Bureau county, and running through both of said towns of Clarion and Westfield; and whereas the parties taking the appeal made the selection of the supervisors, instead of the town clerks of said town; therefore,

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the acts and proceedings of the said supervisors, in laying out and establishing said road, is hereby legalized and made valid, to all intents and purposes.

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

APPROVED February 22, 1861.

AN ACT to confirm the title to real estate in Wabash, in Abraham Russell and others. In force February 22, 1861.

WHEREAS Charles H. Constable, executor of the last will and testament of Thomas S. Hinde, deceased, proprietor of the town of Mount Carmel, in pursuance of the provisions of said will, sold and conveyed, by deed, dated May 7th, 1846, to one Abraham Russell, all that certain tract or parcel of land, being a part of that tract known and designated on the plat of the town of Mount Carmel, county of Wabash, and state of Illinois, as being the River Reserve of the proprietors of the said town, of six poles from the low water mark of the Wabash river, beginning at the lower corner of McDonald's ware-house lot; thence, running six poles, with the line of the commons attached to said town, to a stake, on said line; thence, with a line parallel to said lower ware-house lot, to a point on the low water mark of said river; thence, with the same and up said river, to a point opposite to the place of beginning; thence to the place of beginning; containing, in all, thirty-six poles, as also all the ferry right which said testator, in his life time, owned or which might now in any wise be claimed by the heirs or devisees of said testator; which said deed was duly recorded in said Wabash county; and whereas, afterwards, on the 5th day of April, 1857, the record of said deed was destroyed by the burning of the court house, in the said county; therefore,

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That all and singular the rights, privileges and franchises granted to said Abraham Russell, his heirs and assigns, by said deed of conveyance, are hereby confirmed in him, his heirs and assigns forever.

Confirmation of rights.

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

APPROVED February 22, 1861.

In force February  
22, 1861.

AN ACT to incorporate the Adams County Medical Society.

Corporate name  
and powers.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That E. G. Castle, M. M. Banc, Peter Young, Adams Nichols, B. Dar-rach, Daniel Stahl, Joseph N. Ralston, Louis Watson, J. T. Wilson, M. Shepherd, and their associates and succes-sors, be and are hereby created a body politic and corporate, under the name and style of "The Adams County Medical Society;" and, by that name, to have perpetual succession; and to sue and be sued, implead and be impleaded; and to have and use a corporate seal, to be by them adopted, with full power to adopt all such rules and regulations, for the election of officers for said corporation, and to adopt all by-laws, rules and regulations, for the government of said society hereby incorporated, as shall be necessary and shall not be inconsistent with the constitution of the United States or with the constitution and laws of this state.

Membership.

§ 2. The said corporation shall have power and are here-by authorized, under such by-laws and regulations as they shall prescribe, to admit all such persons to become mem-bers of said incorporated society as they may see proper, and to issue to such persons, when so admitted, licenses or certificates of membership, under their corporate seal.

Property.

§ 3. Said corporation may lease real estate and hold personal property, for the use of said corporation, and may acquire and hold, in fee simple, real estate, for the use of said corporation, not exceeding in value the sum of five thousand dollars.

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

APPROVED February 22, 1861.

In force February  
21, 1861.

AN ACT to incorporate the Illinois Astronomical Society.

Corporate name  
and powers.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That Cyrus Edwards, D. Read, H. N. Kendall, M. G. Atwood, J. S. Blair, I. Searritt and E. Marsh, and their associates, successors and assigns, be and they are hereby created and made a body politic and corporate, by the name and style of "The Illinois Astronomical Society," and, by that name, to have perpetual succession, with power to sue and be sued, to plead and be impleaded, in all places wherein judicial pro-ceedings are or may be had; to make, have and use a com-mon seal, and make or alter the same at pleasure; also with power to contract and be contracted with, to have, hold, use



and enjoy property, of every description, for the uses of the corporation, and to sell and convey the same; and, also, with power to adopt by-laws and rules and regulations, for the good government of the affairs of the corporation: *Provided*, that such by-laws, rules and regulations shall not conflict with the constitution of the United States or of this state.

§ 2. The object and business of said corporation shall be the erection of an "Observatory," for the cultivation of astronomical science, and to accomplish original observations in astronomy; and, for that purpose, the corporation may purchase and hold such lot or lots of land and place thereon such buildings and improvements as may be found necessary.

Erection of observatory.

§ 3. The said observatory shall be located at Upper Alton, in Madison county, Illinois, and continue there during the existence of the corporation.

§ 4. The persons named in the first section hereof shall be the directors of said corporation, who, and their successors, shall exercise the powers herein granted and perform the duties which may, from time to time, be required; and vacancies occurring in the board shall be filled by the remaining members.

Directors.

§ 5. The stock and property of said corporation shall be divided into shares of such amounts and disposed of in such manner as may be prescribed by the by-laws—the proceeds of which to be applied to the purchase of a site, the erection of buildings and the purchase of apparatus, to be used in the observatory.

Shares of stock.

§ 6. The said directors shall not have power to contract debts beyond the available means of payment, and, in case they do so, they shall be jointly and severally liable to creditors for the payment thereof, and no obligation or liability shall rest upon the corporation for the same.

Personal liability.

§ 7. The directors shall not have power to create any lien or incumbrance upon the lot on which the observatory is built or the buildings or their appurtenances or any instrument or article therein; nor shall the said lot or building, or the appurtenances thereof, be liable to be sold under any decree, judgment or execution; nor shall the same be taxed for any purpose whatever.

Liens and incumbrances.

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

APPROVED February 22, 1861.

In force February 18, 1861. AN ACT to consolidate certain societies and to incorporate the Belleville Saengerbund and Library Society.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the German Library Society of St. Clair County, Illinois, heretofore incorporated by an act of the general assembly, in force February 22d, 1839, and the Belleville Saengerbund, a voluntary association, heretofore existing in the city of Belleville, St. Clair county, Illinois, be and the same are hereby consolidated and constituted a body politic and corporate, to be known by the name of "Belleville Saengerbund and Library Society;" and, by that name, shall have perpetual succession, &c., and a seal.

Name of consolidated company.

Corporate rights.

§ 2. That said corporation, by the name aforesaid, shall be capable, in law, of suing and being sued, in all courts whatsoever; and, also, shall be capable of purchasing, holding, receiving and conveying any estate, real or personal: *Provided*, that said real estate, so purchased, shall be such only as shall be necessary to attain or promote the object of this association.

Objects.

§ 3. The objects of said corporation shall be to teach and cultivate the art of vocal and instrumental music, to maintain and enlarge the library they now possess, and to promote moral and mental culture generally.

§ 4. The members of both societies, hereby consolidated, shall constitute the members of the new society, hereby created, but new members may be admitted, at any time, in such mode and manner as shall be provided in the by-laws and regulations of said society.

By-laws.

§ 5. The members may divide themselves into active or working members and honorary members, and their respective rights and duties shall be prescribed in the by-laws: *Provided, however*, that all members shall be equally entitled while members of the corporation, to the use of the property of said corporation, and have an equal vote in the acquiring, managing and disposing of the same.

§ 6. That the members of said society, in their meetings, shall have power to enact such by-laws, rules and regulations as they, or a majority of them present, may think best calculated to promote the general welfare of this institution, not in conflict with the laws of this state.

§ 7. Said by-laws, rules and regulations shall be entered in a book, kept by the board of directors for that purpose, and which shall be evidence in all courts of the matters therein contained.

§ 8. Said association shall prescribe, in their by-laws, the duties of its officers, the numbers and mode of elections of its officers and directors, as also the initiation fee and the regular contributions of the members of said society; and, also, to provide for the assessment of fines for nonattendance,

and for damaging, destroying, losing or improperly detaining books belonging to the library or any other property belonging to said association; said fines to be collected in any courts having jurisdiction, in the name of the corporation, in an action of debt, assumpsit or any other proper kind of action.

§ 9. That any member may be expelled from the society, by a vote of a majority of all the members of the society, but shall have the right of being heard in his defense. Expulsions.

§ 10. The members expelled under the foregoing section, or who voluntarily withdraw, or do not pay their contributions within a time to be fixed by the by-laws and after demand, shall forfeit all their right, claim and title in said society and the property thereto belonging.

§ 11. That Gustavus Kellermann, William Oster, Anthony Schott, Jacob Weingartner and John Scheel be appointed directors and commissioners of said society, who, or a majority of whom, shall take all proper and necessary steps to organize the said society, under the present charter, and to carry the provisions of this act into effect. Directors.

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

APPROVED February 18, 1861.

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#### AN ACT for the encouragement of the Chicago Historical Society.

In force February  
22, 1861.

WHEREAS it is a duty to past and coming generations, for the honor of the state, and benefits of its citizens, to collect, preserve and diffuse the materials of its early history, the memorials of its founders and benefactors, and the evidences of its progress in industry, arts and all the elements of an enlightened civilization; and whereas the Chicago Historical Society, acting under chartered powers from this state, has for several years past been actively and successfully engaged in prosecuting these laudable objects, and formed extensive collections of books, newspapers, pamphlets and manuscripts, relating to our state and national history, and now numbering over 30,000 volumes, besides establishing relations of exchange with the principal institutions of this and foreign countries—for the encouragement of the said society,

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the secretary of state be authorized and is directed, upon the written order of the president or secretary of the Chicago Historical Society, under the legal seal thereof, to deliver to the said society fifty copies of all and each of the public docu-

Books to be furnished by the state.



Use to be made of  
books, &c.

ments (bound or unbound,) books, pamphlets, charts or other publications by the state, as the same shall be hereafter printed, from year to year, or from time to time, and also such numbers of copies of documents which are now or may have been printed, as may be contributed to said society, without detriment to the public interests: *Provided*, that the documents herein granted shall be used by the said society for the sole purposes of preservation in its library, or of exchange with other state and institutions, or with individuals for publications of importance and value to the people of this state; but in no case to be sold for money: *Provided, also*, that the said society shall make affidavit, through its president or secretary, to the governor of the state, at or before each biennial session of the general assembly, that a sum not less than five hundred dollars has been raised and expended in and for the business and management of said society in and during the two years preceding; and at the same time, submit therewith a report of the meetings and transactions of said society for the same period for the information of the people of this state.

§ 2. This act shall be in force from and after its passage.  
APPROVED February 22, 1861.

In force February  
22, 1861.

#### AN ACT to incorporate the Galena Library Association.

WHEREAS an association is to be formed in the city of Galena, called "The Galena Library Association," the object of which is the establishment of a library and reading room, and for other literary and scientific purposes; now, therefore, in order to encourage and promote the above declared objects of the said association,

Corporate name  
and powers.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That E. B. Washburne, Henry Corwith, John E. Smith, S. W. McMaster, Horatio Newhall, Charles S. Hempstead, Nathan Corwith, Lucius S. Felt, J. R. Jones, Frederick Stall, Thomas Foster, Benjamin H. Campbell and Charles L. Stephenson, and their associates and successors forever, are hereby declared and created a body corporate, by the name and style of "The Galena Library Association;" and, by that name, shall have perpetual succession; shall be capable, in law, to contract and be contracted with, sue and be sued, implead and be impleaded with, in all courts of competent jurisdiction; may receive, acquire and hold real and personal property and effects, suitable to the carrying out of the objects of the association; may have a common seal, and alter the same at their pleasure; may make such constitution,

regulations and by-law as may be required for the government of the association and the carrying out of its objects: *Provided, always*, that said constitution, regulations and by-laws shall not be contrary to the laws of the land.

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

APPROVED February 22, 1861.

AN ACT to incorporate the Illinois Natural History Society.

In force February  
22, 1861.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That Cyrus Thomas of Jackson county, Benjamin D. Walsh of Rock Island, J. B. Turner of Morgan, J. W. Powell of DuPage, J. P. Reynolds of Sangamon, James Shaw of Carroll, Samuel Adams of Morgan, Frederick Brendel of Peoria, Robert Kennicott of Cook, Edmund Andrews of Cook, Oliver Everett of Lee, A. M. Gow of Lee, Richard H. Holder of McLean, C. D. Wilber of McLean, and their associates and successors forever, are hereby created a body corporate and politic, under the name and style of "The Illinois Natural History Society;" and by that name shall have perpetual succession, and shall have power to contract and be contracted with, sue and be sued, implead and be impleaded within all courts of competent jurisdiction; to receive, acquire and hold real and personal property and effects, suitable to the carrying out of the objects of said society; to have a common seal, and alter the same at their pleasure; to make and adopt such constitution, regulations and by-laws, as they may deem requisite and proper for the government of said society, not contrary to the constitution and laws of the United States or of this state, and to alter and amend the same at pleasure; and to have and exercise all powers and privileges usual and incident to the trustees of corporations.

Corporate name  
and powers.

§ 2. The object and purpose of said society shall be to conduct and complete a scientific survey of the state of Illinois, in all the departments of natural history, and to establish a museum of natural history at the State Normal University, comprising every species of plants, insects, quadrupeds, birds, fishes, shells, minerals and fossils, within our state limits as far as can be obtained, comprising also such other collections of natural history from various parts of the world, as may be deemed necessary by said society.

Scientific survey.

§ 3. Said natural history society shall also provide for a library of scientific works, reports of home and foreign surveys, mannals, maps, charts, etc., etc., such as may be useful in determining the fauna and flora of Illinois, and said library

Library.

shall be kept in the museum of said society at the State Normal University.

Museum.

§ The museum of said natural history society shall be for the use of the members, citizens and schools of Illinois, and shall be accessible to the students of the normal university, under such regulations as may be adopted by the trustees of this society and the board of instruction of said university.

Specimens.

§ 5. A full and complete set of specimens in every department of natural history, donated to the society, or obtained by exchange, purchase or otherwise, shall forever be and remain in the museum of said society.

Quorum.

§ 6. At all stated and other meetings called by the president and five trustees, five trustees shall constitute a quorum: *Provided*, all shall have been notified. The persons named in the first section of this act, shall constitute the first board of trustees, and said board shall be divided into three classes of five members and shall hold their offices for one, two and three years, respectively. All vacancies occurring in the board of trustees shall be filled at the regular annual meeting of the members of said society, by an election, which shall be by ballot and shall require a majority of the members present.

Rules and regulations.

§ 7. The constitution and by-laws of said society now in operation, so far as they are not inconsistent with this act, shall govern the corporation hereby created, until regularly altered or repealed by the society, and the present officers of said society shall be officers of the corporation hereby created, until their respective terms of office shall regularly expire or be vacated.

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

§ 9. This act is hereby declared a public act and shall be in force on and after its passage.

APPROVED February 22, 1861.

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In force February 22, 1861.

AN ACT to incorporate the Metropolis Library Association and Historical Society.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That Richard A. Peter, W. K. Baker, I. S. Armstrong, W. R. Brown, W. C. Munson, M. B. Harrell and W. J. Allen, and their successors, are hereby constituted a body politic and corporate, under the name of "The Metropolis Library Association and Historical Society."

Name.

By-laws.

§ 2. Said corporation may establish a constitution and by-laws for its government; and all its members shall be



bound thereby as fully as if said constitution and by-laws were part of this act.

§ 2. Said corporation may take and hold real estate and personal property by gift, grant, devise, purchase or otherwise, and shall have a common seal. Real estate.

§ 3. That the secretary of state is hereby authorized and directed upon the written order of the president or secretary of said corporation under the legal seal thereof, to deliver to said corporation or its agent, five copies of all and each of the public documents (bound or unbound,) books, pamphlets, charts, or other publication by the state, as the same shall be hereafter be printed from year to year, or from time to time, and also such numbers of copies of documents which are now, or may have been printed, as may be contributed to said society, without detriment to the public interests: *Provided*, that the documents herein granted shall be used by the said corporation for the sole purposes of preservation in its library, or of exchange with other states and institutions, or with individuals, for publications of importance and value to the people of this state; but said documents shall in no case be sold for money or donated. Public documents to be sent by secretary of state.

§ 4. That the object of said corporation shall be to found and establish a library and disseminate knowledge, and to collect and preserve evidences of the early and current history of the southern portion of Illinois, as well as of its progress in settlement and population, and its advancement in civilization; and before the secretary of state shall furnish the above named documents, there shall be filed in his office an affidavit by the president or secretary of said corporation setting forth that the object thereof is as declared in this section. Object of the corporation.

§ 5. This act shall be in force from and after its passage.  
APPROVED February 22, 1861.

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AN ACT to incorporate the German Library Association of the City of Peoria. In force February 18, 1861.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That Gote-freid Galdbeck, Robert Strehlow, Henry Baur, Robert Roskotten, Phillipp Bender, William Glauzer, Michael Ruppelins, Gotefreid Schmitt, Peter Seel, and their associates and successors, and all other persons who may hereafter associate with them be declared and constituted a body corporate and politic by the name and style of "The German Library Association of the City of Peoria," and by that name, they and their successors shall and may have succession, shall be capable of suing and being sued, contract and be Corporate name and powers.

contracted with, may have and use a common seal and the same may alter or change at pleasure; and they and their successors, by their corporate name, shall in law, be capable of taking, receiving, purchasing and holding real and personal estate; may sell and convey the same; to make by-laws for the management of its affairs, not inconsistent with the constitution and laws of this state or the United States; to elect or appoint the officers and agents of said association for the management of its business.

Constitution and  
by-laws.

§ 2. The constitution and by-laws now adopted by said association shall continue in force until changed by said association, and all personal property and effects of whatever kind, now held by said association, or any person in trust therefor, shall by virtue of this act vest in and become the property of the corporation hereby created.

Election of offi-  
cers and mana-  
gers.

§ 3. The association so incorporated, may annually or oftener elect from its own members such officers and managers as the association may deem proper, at such times and places and in such manner and with such powers expressed and duties imposed on said officers and managers as said association by its by-laws may direct, and in case it shall happen that an election of officers and managers shall not be made on the day designated by the by-laws, it may and shall be lawful on any other day to hold an election of such officers and managers.

Property.

§ 4. The association incorporated by this act shall be capable of taking, holding and receiving any property real or personal, by virtue of any gifts, purchase, devise or bequest contained in any last will and testament of any person whatsoever, or in any other manner.

Records.

§ 5. The constitution, by-laws and resolutions of said association shall be in full force when recorded in the records of said association, and on the production and proof of such record shall be received as evidence of the facts herein stated in all courts of justice and upon all lawful occasions.

Official bonds.

§ 6. Said corporation may require bond and satisfactory security of its treasurer, or other officers intrusted with moneys, for the faithful performance of his or their duties of such officer.

Objects.

§ 7. The object of this association is hereby declared to be to unite the Germans in a literary bond of brotherhood, and mutual friendship in the pursuit of literature, science, and for the improvement of social enjoyment.

§ 8. This act shall be deemed a public act and be in force for the term of fifty years after its passage.

APPROVED February 18, 1861.

AN ACT to incorporate "The State Savings Institution."

In force February  
21, 1861.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That Francis A. Hoffman, Theodore Hoffman, Otto Gelpcke, Alexander Siller, and their associates and successors, and all such persons as shall become lawful stockholders in the institution hereby created, shall be a body politic and corporate, by the name and style of "The State Savings Institution," 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 power necessary to carry out the purposes of a savings institution at Chicago.

Name and style.

§ 2. A majority of the corporation 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 and place for the first election of trustees of said institution, by parties subscribing to the stock thereof; and each share of stock so subscribed for shall be entitled to one vote.

Books for sub-  
scription.

§ 3. The capital stock of said company shall be one hundred thousand dollars, with power to increase the same to one million of 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 may prescribe.

Capital stock.

§ 4. The said institution 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 in accordance with the 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 this state, and to take such securities therefor, real or personal, or both, as the trustees 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; and may buy or sell exchange, bills, notes, bonds or other securities; may have and hold coin and bullion; 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 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 accu-

Corporate name  
and powers.



mulating or increasing the same; may issue letters of credit and other commercial obligations.

Purchase and possession of real estate.

§ 5. It may be lawful for the institution hereby incorporated, to purchase and hold such real estate as may be 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 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 and convey the same.

Board of trustees.

§ 6. The affairs of the institution shall be managed by a board of trustees, at least three in number, after the first election, as is herein provided. The trustees shall be elected by the stockholders, at such times and places, and in such manner, as shall be established 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 no wise impair or affect the rights or interests of stockholders, depositors or others interested.

By-laws.

§ 7. The trustees shall have the right to form by-laws for the appointment of other officers, agents and others, necessary for the service of the institution, and for regulating their own proceedings and the operations of the institution: *Provided*, that they shall contain nothing inconsistent with the constitution and laws of this state.

Dividends.

§ 8. The trustees shall have the right to declare dividends out of the earnings of said institution.

Individual liability.

§ 9. Each stockholder of this corporation hereby created, shall, as to the trust funds and saving funds deposited therewith, be individually liable to the amount of his share or shares of the capital stock, for all losses or deficiencies that may occur while he was such stockholder; which individual liability shall continue for six months after transfer of his said stock.

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

APPROVED February 21, 1861.

In force February 18, 1861.

AN ACT to vacate the town plat of America, in Pulaski county.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That the town plat of America, in the county of Pulaški, be and the same is hereby vacated; and hereafter the real estate in said

town be assessed by its legal subdivisions, as other real estate in said county: *Provided*, the vacating of the survey and plat of said town shall not interfere with the vested rights of any person whatsoever, holding property therein.

APPROVED February 13, 1861.

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AN ACT to incorporate the town of Ashley, in Washington county. In force February 22, 1861.

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 Ashley, in the county of Washington, are hereby declared a body corporate and politic, with all the rights, privileges and powers conferred upon the town of Du Quoin, Perry county, by an act entitled "An act to incorporate the town of Du Quoin," and passed at the present session of the general assembly.

APPROVED February 22, 1861.

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AN ACT to vacate a certain street, alley and lots therein named, in the town of Binghampton, Lee county. In force February 21, 1861.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That all of Franklin street, running east of State street; all of Fisher's alley, running east of State street; also, lots eleven, twelve, thirteen and fourteen, situated between Franklin street and Fisher's alley, in the town of Binghampton, in the county of Lee, be and the same are hereby vacated.

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

APPROVED February 18, 1861.

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AN ACT to incorporate the town of Cambridge, in the County of Henry and State of Illinois. In force February 21, 1861.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That the inhabitants and residents of the town of Cambridge, in the county of Henry and State of Illinois, be and they are here-

Name. by made and constituted a body corporate and politic, in law and equity, known by the name and style of "The Board of Trustees of the town of Cambridge;" and by that name shall have perpetual succession, and shall have a common seal, which they may alter at pleasure, and in whom the government of the corporation shall vest and by whom its affairs shall be managed.

Boundaries. § 2. The boundaries of said corporation shall include the whole of section seven, (7,) township fifteen (15) north, range three (3) east of the fourth principal meridian, Henry county, Illinois.

§ 3. The inhabitants of said town, by the name and style aforesaid, shall have power to sue and be sued, to plead and be impleaded, defend and be defended, in all courts of law and equity, and in all actions whatever.

Real estate to be used for public purposes. § 4. The trustees of said town, in their corporate name, shall have power to purchase, receive and hold, by gift or grant, real and personal property, for the use and benefit of said town, for burial, school, library, road or town-building purposes, within or beyond the corporate limits of said town, and to improve and protect said property; also to provide by ordinance for the sale, leasing or otherwise, disposing of any such property, which shall not be done until the consent of a majority of the legal voters of said town shall first be obtained; the trustees, for this purpose, shall call a meeting of said voters, by giving ten days' notice, by posting written or printed notices in three of the most public places in said town, or by publication in some newspaper in said town.

Trustees. § 5. The corporate powers and duties of said town shall vest in five trustees, to be styled "The Trustees of the Town of Cambridge," who shall hold their offices for one year and until their successors are elected and qualified.

Annual elections. § 6. The trustees aforesaid shall be elected, annually, on the last Saturday of March; and at all elections held under this, (annual and special,) the polls shall be opened at one o'clock, P. M., and kept open until six o'clock P. M. At the first election held under the provisions of this act, and every four years thereafter, there shall be elected one police magistrate and one town constable of said town, who shall hold their offices for four years and until their successors are duly elected and qualified. There shall, at the annual election, be elected, one street commissioner, who shall hold his office for one year, and until his successor is elected and duly qualified. It shall be the duty of the clerk of the board to give notice of all elections held under this act, by newspaper publication, or by posting written or printed notices in at least three of the most public places within said town, at least twenty days prior to said election.

Qualification of voters. § 7. All white male inhabitants of said town, above the age of twenty-one years, who shall have resided therein six



months next preceding an annual or special election held under the provisions of this act, shall be entitled to vote at all elections held in pursuance to this act: *Provided*, such person offering to vote shall be a legal voter under the laws of the state of Illinois.

§ 8. The trustees elected under the provisions of this act shall each of them, before entering upon the duties of their office, take an oath to well and truly perform all and singular the duties enjoined upon them by law. The police magistrate and town constable, before entering upon their official duties, shall each of them qualify in the same manner as justices of the peace and constables are required to do under the township organization laws of the state of Illinois. The street commissioner shall also take an oath of office and give bond to the trustees, in such sum as they may direct. Official oaths.

§ 9. The board of trustees shall appoint one of their number as president. Said board shall appoint a clerk and treasurer, who shall give bond, when required so to do by the board. Officers of board.

§ 10. No person shall be eligible to the office of trustee, police magistrate or town constable of said town who has not arrived at the age of twenty-one years, a resident of and a legal voter in said town.

§ 11. The president and trustees shall have power to fill all vacancies in the board of trustees, where such vacancy occurs within three months next preceding an annual election for trustees, but in all other cases such vacancy shall be filled by an election, the same as at an annual election. Vacancies.

§ 12. All oaths required to be administered to any of the officers herein named, excepting police magistrate and town constable, may be administered by the president of the board or by any other person authorized by law to administer oaths. Oaths.

§ 13. The powers and duties of the police magistrate and town constable elected under the provisions of this act shall be the same as specified in an act entitled "An act for the better government of towns and cities, and to amend the charters thereof," approved February 27th, 1854; and all the provisions of said act shall be held to apply to and form a part of this act. Police magistrate and constable.

§ 14. All fines collected under the provisions of this act shall be paid into the town treasury and disbursed in the same manner as other funds.

§ 15. It shall be the duty of the town constable, or of any other constable, sheriff or coroner of said county, to serve all processes coming into their hands at the suit of the corporation, execute writs, collect fines, and, in general, to serve all papers issued against any person or persons for a violation of any of the laws or ordinances of said town: *And provided*, that the trustees may allow such officer or officers Serving of process.

such reasonable compensation for his or their services, not otherwise provided for by law.

Clerks' record.

§ 16. The clerk of the board of trustees shall keep a record or journal, in which shall be recorded all the proceedings of the board proper to be written.

Treasurers' duty.

§ 17. The treasurer shall keep a just and true account of all moneys received and paid out by him and shall report to the board when required so to do.

Corporation tax.

§ 18. The board of trustees shall have power to levy and cause to be collected, annually, a corporation tax, not exceeding fifty cents on each one hundred dollars of valuation of real and personal property in the corporation, taking for that purpose the assessment made by the town (or township) assessor for general purposes: *And, provided, however,* that if a tax of more than fifty cents is needed for general corporation purposes the same may be raised by a vote of the inhabitants of the corporation, a majority of the legal votes therein voting in favor of such tax: *And, further, provided,* that the same shall not exceed one dollar on each one hundred dollars valuation of real and personal property in said corporation. The time and place of such meeting to be fixed by ordinance of the board of trustees, stating therein the amount per cent. required to be levied.

Ordinances.

§ 19. The board of trustees shall have power to make and establish all such ordinances, rules and regulations as may be deemed necessary and expedient for the better government and regulation of said town: *Provided,* the same shall not be repugnant to nor inconsistent with the laws of the state of Illinois.

Improving streets

§ 20. The board of trustees shall have power to pass ordinances to regulate, grade, pave, plank and improve the streets, public squares and alleys in said town, and to assess, annually, a street labor tax, of not more than three nor less than two days, against each able bodied male inhabitant of said town, over the age of twenty-one and under fifty years, to be expended in such manner as they may direct.

Tippling houses.

§ 21. The trustees aforesaid shall have power to restrain, suppress and prohibit tippling houses, dram shops, gaming houses, bawdy and other houses of ill-fame, and to preserve good order and harmony in said town; to punish for open indecency, the indecent exhibition of stock, breaches of the peace, gambling, horse racing, riotous meetings or assemblages, or for disturbing persons assembled for religious worship, or other public meetings in said town, for which purpose the trustees shall make such rules and ordinances, as, from time to time, they may deem expedient.

Sidewalks.

§ 22. The board of trustees of said town shall have power to provide by ordinance for the purpose of constructing and keeping in repair the sidewalks in said town, and to tax the lot or block, or part of lot or block, fronting the street or alley upon which the sidewalk is to be built, one-half the

expense of building the same; and to appropriate, out of the general corporation fund and poll tax commutations and in labor, a sufficient amount to complete the other half of any and all sidewalks built in according with this act.

§ 23. To regulate, license, suppress or prohibit all showmen and shows of every kind or nature, concerts or other musical entertainments by itinerant persons or companies, exhibitions of natural or artificial curiosities, caravans, circusses and theatrical performances. Each and every person, proprietor or agent of any such show, before exhibiting within the corporate limits of said town, shall, in all cases, procure from the clerk or president of said board of trustees a license, and shall, also, further comply with the rules and ordinances of said board, so far as the same may apply to said show or exhibition. Licenses.

§ 24. The annual meeting of the board of trustees shall be on the second Tuesday after the election of trustees of each and every year; but the board may have such special or adjourned meetings as a majority of the board may think best. Annual meeting of board.

§ 25. The style of the ordinances of the board of trustees shall be, "*Be it ordained by the President and Trustees of the Town of Cambridge.*"

§ 26. All ordinances passed by the board, before taking effect, shall be published in some newspaper of said town, or copies thereof posted in at least three of the most public places within the corporation, at least ten days. Publication ordinances.

§ 27. The inhabitants of said town are exempt from road or street labor beyond the corporation limits of said town. Road labor.

§ 28. Sections one to thirteen, inclusive, of article twenty-third, of the township organization laws of this state, shall and are hereby made applicable to said corporation, hereby giving the trustees of said town full power to pass ordinances for the carrying out of said sections, so far as they can be made applicable, and to pass such ordinances as the necessities of the case require.

§ 29. A majority of the board of trustees shall constitute a quorum, but a smaller number may adjourn from time to time. Quorum.

§ 30. The board of trustees shall constitute a board of election in all elections held under the provisions of this act.

§ 31. The town constable shall be, *ex officio*, collector of corporation taxes, and shall give bond, as such, in such sum as the trustees may require. Constable.

§ 32. The board of trustees shall determine, by ordinance, the time when the corporation taxes become due and when they shall be paid. Taxes.

§ 33. The town constable, as *ex officio* collector, shall levy on and sell personal property for corporation taxes the same Levy and sale.



as town collectors are authorized to do under the township organization laws of this state.

Tax list.

§ 34. The clerk of the board shall make out and deliver to the collector of the corporation taxes, at the time prescribed by the board, a complete list of real and personal property taxes levied for collection, which list shall describe the real estate, giving the assessed value thereof, also the valuation of the personal property so taxed.

Delinquent taxes.

§ 35. The collector of the corporation taxes shall, annually, make out and file with the county clerk a list of all delinquent corporation taxes by him uncollected and remaining due upon real estate; which list shall contain a description of the real estate upon which the taxes remain due, together with the assessed valuation thereof, and the name of the person or persons to whom the same is assessed. The correctness of said delinquency shall be verified by the oath of such collector and filed with the county clerk on or before the fifteenth day of October, in each year. The county clerk, upon the receipt of such list, shall add the same, as back taxes, to the tax books of the current year, and the same, when so added, shall be collected in the same manner and at the same time that the state and county taxes are collected; and, when thus collected, shall be, by the person or persons collecting the same, paid to the town treasurer, reserving commission of ten per cent. for collecting the same.

Collectors' fees.

§ 36. The board shall allow the town collector such fees as they think proper for collecting and returning delinquent list.

Nuisances.

§ 37. The board of trustees shall have power to declare what shall be deemed nuisances and to direct the summary abatement and punish the authors thereof.

Notice of election.

§ 38. The trustees, acting under the general incorporation act, shall give notice of the first election of trustees under this act; and said trustees shall be the judges and clerks of said election.

§ 39. This act, or any part thereof, together with any of the rules and ordinances passed under the provisions of this act, when properly authenticated, under the seal of the corporation, may be read in evidence in any of the courts of this state, without further proof.

Power of board.

§ 40. The said board of trustees shall have full and ample power to grant licenses, within their corporate limits, to groceries, saloons, drug stores and hotels, to sell, vend and retail spirituous, vinous and malt liquors, and to fix and provide, by ordinance, for all restrictions, governing and regulating the sale, vending and retailing thereof, as are not inconsistent with the laws of this state.

APPROVED February 21, 1861.

## AN ACT to incorporate the town of Carrollton.

In force February  
21, 1861.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the inhabitants and residents of the town of Carrollton, in the county of Greene, are hereby constituted and declared a body corporate and politic, by the name and style of "The President and Trustees of the Town of Carrollton," and by that name shall have perpetual succession; and may have and use a common seal; have power to sue and be sued, plead and be impleaded, in all courts and places where justice is administered, in all actions whatsoever; to purchase, receive and hold property, both real and personal, in said town; to purchase, receive and hold property, both real and personal, beyond the limits of said town, for burial grounds and other public purposes; to sell, lease and convey property, real and personal, for the use of said town; to protect and improve any such property as the public good may require.

Name and style.

§ 2. The boundaries of said town shall be as follows, to wit: Commencing at the northwest corner of the southwest quarter of section number fifteen (15,) in township numbered ten (10) north, of range twelve (12) west of the 3rd principal meridian; thence, running east two (2) miles, to the northeast corner of the southeast quarter of section fourteen, (14,) in same township and range; thence, south, along the section line, two miles, to the southeast corner of the northeast quarter of section twenty-six, (26,) in same township and range; thence, west, two miles, to the southwest corner of the northwest quarter of section twenty-seven, (27;) thence, north, two miles, to the place of beginning.

Boundaries.

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

President and trustees.

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

§ 5. The president and each of the trustees shall, before entering upon the duties of his office, take an oath to per-

form the duties of his office to the best of his knowledge and abilities; and there shall be at least one regular meeting of said trustees in each month, at such times and places as may be prescribed by ordinance.

Justice of the  
peace and con-  
stable.

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

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

Annual election.

§ 8. On the first Monday in the month of July, A.D. 1861, and on the first Monday in July in each year thereafter, an election shall be held in said town for one town constable and four trustees as aforesaid, who shall hold their offices for one year, and until their successors are elected and qualified; which election shall commence at ten o'clock in the forenoon and close at four o'clock in the afternoon of said day. The present trustees shall appoint the judges and clerks at said election, who shall receive and canvass the votes, declare the result, furnish to each of the persons elected a certificate of his election, certify the votes for the justice of the peace hereinafter mentioned, when necessary, and constable, to the clerk of the county court, and lay the poll books of such election before the board, at its first meeting. All subsequent elections shall be held and conducted as may be prescribed by ordinance; and at said first Monday in July, 1861, shall also be elected one justice of the peace, who shall be, *ex officio*, president of the board of trustees, who shall hold his office for the term of four years. And at the election of trustees, every fourth year thereafter, his successor shall be elected.

Qualification of  
voters.

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

§ 10. The president and trustees shall have power to levy, assess and collect a tax upon all property, real, personal and mixed, in said town, which is now or may hereafter be subject to state and county taxation, not



exceeding one-half of one per centum upon the assessed value thereof; and may assess and enforce the collection of the same, by any ordinance not repugnant to the constitution of the United States, or of this state; or the said trustees may, if they think proper so to do, by ordinance, adopt the annual assessment made of the property in said town by the county assessor, and cause the same to be collected by the county collector; *Provided*, lands used and cultivated for agricultural purposes, of the amount of five acres or more in any one piece or lot, within the corporate limits, shall not be subject to a corporate tax.

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

Rate of taxation,  
&c.

§ 12. The said board shall have power to appoint such officers as may be judged necessary for carrying into effect the powers conferred upon said corporation by this act, and to require them to give such bonds, with such security, and take such oaths as may be judged necessary to insure a faithful performance of their respective duties; and shall have power to appropriate money, and provide for payment of the debts and expenses of the town.

Appointed officers.

To make regulations to secure the general health of the inhabitants of the town.

To declare what shall be deemed a nuisance, and to prevent and remove the same.

Nuisance.

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

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

Public buildings.

To license, tax and regulate auctioneers, merchants, retailers, grocers, taverns, eating houses, peddlers, brokers and drinking houses or saloons.

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

To restrain, prohibit and suppress tippling houses, dram shops, gaming houses, bawdy houses and other disorderly houses.

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

To regulate partition fences; and provide for the inspection and weighing of hay and stone coal, and for the measurement of wood and fuel to be used in said town.

Census.

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

To regulate the election of town officers, define their duties, and provide for the removal of any person holding an office under the ordinances.

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

Fines and penalties.

To impose fines, penalties and forfeitures for the breach of any ordinance, and to provide for the recovery and appropriation of such fines and forfeitures, and the enforcement of such penalties.

To prevent the incumbering of the streets, squares, lanes and alleys of said town; to protect shade trees; to compel persons to fasten horses, mules and other animals attached to vehicles, while standing upon any square, street, lane, alley or uninclosed lot, for the violation of any ordinance in relation thereto.

To prevent the running at large of dogs, and to provide for the destruction of the same when running at large contrary to ordinance.

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

Ordinances.

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

§ 14. All ordinances may be proved by the seal of the town, and, when printed or published in book or pamphlet form, and purporting to be printed or published by authori-

ty of the corporation, the same shall be received as evidence in all courts and places, without further proof.

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

Duties of president.

§ 16. The said president shall be commissioned by the governor as and he shall have and exercise the same power and jurisdiction conferred upon other justices of the peace by the laws of this state, and shall have exclusive jurisdiction in all cases arising under the ordinances of the corporation, and shall receive the same fees and compensation allowed for similar services, under the laws of this state, to other justices of the peace, and for any willful and corrupt oppression, malconduct or partiality or palpable omission of duty in his said office, may be indicted in the circuit court of Greene county, and upon conviction shall be fined in a sum not exceeding one hundred dollars, and the court shall have power, upon the recommendation of the jury, to make his removal from office a part of the judgment.

President commissioned by governor.

§ 17. The president and trustees shall have power, by ordinance, to levy, assess and collect a special tax, on the holders and owners of lots upon any street, square, lane or alley, or upon any part of any street, square, lane or alley, according to their respective fronts owned by them, for the purpose of grading, planking or paving such square, street, lane or alley, to be collected as other taxes are collected by the provisions of the tenth and eleventh sections of this act, or as may be provided by ordinance.

Special tax.

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

§ 19. The president and board of trustees shall have power to provide for the punishment of the offenders against

Violation.



any ordinance by confinement in the county jail, in all cases where such offenders shall fail or refuse to pay the fines and forfeitures which may be recovered against them.

Road tax.

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

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

Town constable's powers and duties.

§ 22. The town constable elected under the provisions of this act shall have power and authority to execute all process issued for the breach of any ordinance of said town, and for that purpose his power and authority shall extend over the county of Greene, and he shall have the same power, jurisdiction and authority as other constables elected and qualified under and by virtue of any laws of the state of Illinois, and shall give bond, as by law is required of other constables; and, in addition thereto, shall give such other and further bond as the said corporation shall, by ordinance, require and prescribe.

Suits.

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

Corporate powers

§ 24. The said president and trustees shall have power to exercise all the powers granted to corporations organizing under and by virtue of the first division of chapter twenty-five of the Revised Statutes of the state of Illinois for the year 1845 and all amendments thereto, in addition to the powers herein granted, and may impose fines for the breach of their ordinances for any sum not exceeding the sum of one hundred dollars.

Ordinances in force.

§ 25. All ordinances, heretofore passed and in force in said town, not inconsistent with the provisions of this act,

shall be and remain in full force and effect in said town until the same shall be altered or repealed by the board of trustees hereinafter mentioned.

§ 26. The board of trustees shall have power, in case of the death, resignation or removal from office of the president, to immediately order a new election to fill the unfinished term of said president, in such manner as they by ordinance provide. Vacancies.

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

APPROVED February 21, 1861.

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AN ACT to change the name of the Town of Camden, in Logan county and to incorporate the same. In force February 21, 1861.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the name of the town of "Camden" be and the same is hereby changed to "Postville," and that L. D. Norton, John Russell, William Dornon, L. L. Andrews and John Hill, of the town of Postville, county of Logan, and state of Illinois, are hereby constituted a body corporate and politic, by the name and style of "The Town Council of the Town of Postville;" and by that name shall have perpetual succession, and may have and use a common seal, which they may alter or change at pleasure. Change of name

§ 2. The aforesaid corporation, and their successors in office, 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; and to purchase, receive and hold property, both real and personal, within or without the limits of said town, for the use of said town; to sell, lease, convey or dispose of all such property, for town purposes, and to improve and protect the same, and to do all other things in relation thereto that an actual owner could or might do. Corporate powers

#### BOUNDARIES.

§ 3. The boundaries of this town shall be as follows, to-wit: Commencing forty rods east of the northeast corner of Knapp, Tinsley and Bird's addition to the town of Postville; thence, west, one mile; thence, south, one mile; thence, east, one mile; thence, north, along the boundary of the Lincoln corporation, one mile, to the place of beginning.

Legislative powers.

§ 4. The legislative powers of the town of Postville shall be vested in a town council, composed of five members, one of whom shall act as president.

#### JUDICIAL POWERS.

Police court.

§ 5. The judicial powers of this town shall be vested in a police magistrate's court. The said police magistrate shall be elected by the legal voters of said town, at the same time of electing members of the town council, and hold his office for the term of four (4) years, and have concurrent jurisdiction and powers with other justices of the peace of Logan county, and special jurisdiction of all cases arising under the town ordinances, subject to change of venue and appeals as from other justices of the county.

Constable.

§ 6. There shall, also, be elected, at the same time and place of electing town councils, one town constable, who shall hold his office for one year, and be qualified in the same manner and have concurrent jurisdiction with other constables of Logan county, and special of town business.

#### ELECTIONS.

§ 7. The incorporate limits of the town of Postville shall constitute an election precinct, for the purpose of electing five members of the town council and police magistrate and one constable.

Annual election.

§ 8. On the first Saturday in October, in the year A. D. one thousand eight hundred and sixty-one, (1861,) and on that day, annually, thereafter, an election shall be holden in said town of Postville, for the purpose of electing five members for town council, and one town constable, and such other officers as may be hereinafter provided for; at which election all free white persons, who are residents of said town at the time and qualified to vote for state and county officers, shall have a right to vote at such elections, under the same rules and laws that govern state and county elections: *Provided*, at least ten days' notice shall be given of the time and place of holding such election, by posting up notices in three of the most public places in said town.

#### QUALIFICATIONS FOR OFFICE.

Members of town council.

§ 9. No person shall be eligible for a member of town council who is not, at the time of his election, a freeholder, resident of said town of Postville, a citizen of the United States and strictly under the laws thereof, and twenty-one years of age. The same qualifications shall be requisite for all other elective officers of this town.

Quorum.

§ 10. The town council shall canvass the votes cast at each election for town officers, and determine the qualifica-



tions of its own members, and return the votes cast for police magistrate and constable to the clerk of the county court, within three days after elections. A majority shall constitute a quorum to do business, but a less number may adjourn, from day to day, and compel the attendance of its absent members, by an ordinance for that purpose.

§ 11. The president and each member of the town council shall, before entering upon their duties as such, take an oath that they will support the constitution of the United States and of this state, and faithfully perform the duties of town council to the best of their ability; and there shall be at least one regular meeting of the town council in each month, at such place as they may prescribe by ordinance, within the limits of said town, and not elsewhere. Official oath.

§ 12. If two or more persons receive an equal number of votes for magistrate, constable or members of town council, the old board shall determine the matter by lot and decide all contested elections. Tie.

#### POWERS OF TOWN COUNCIL.

§ 13. The town council shall have power to levy, assess and collect taxes upon all property, real, personal or mixed, within the incorporate limits of said town, subject to taxation for state and county purposes, not exceeding fifty cents, annually, on the hundred dollars of assessed valuation thereof, and may enforce the collection thereof, as follows: Taxes.

#### OF COLLECTING TAXES.

§ 14. When the town council shall levy a tax the town clerk shall procure two bound books for that purpose; one shall be prepared by him for the assessor, by the first Monday in April after such tax is levied; and the assessor may proceed to assess all property liable to taxation by the state laws, and make his returns to the town clerk by the first Monday in May thereafter, with as complete a description of all property as he can get, and, of real estate, by numbers of lands or lots, so that the owner or owners may readily find his land or lots thereby; whereupon the clerk shall make a complete copy thereof in his other book for that purpose, and deliver the same to the collector of said town by the first Monday in July of said year. The town collector may then proceed to collect all of said taxes in his power, by calling upon each person taxed, if a resident of said town of Postville or of the county of Logan, if known, but shall not be required to call upon nonresidents of the county. After he has collected all he can by that means he shall, on the first Monday in September of the same year, make his returns to the town council, strictly paying over all moneys, at the time of making his return, so collected, to the town Mode of collecting taxes.

Delinquent tax  
list.

Sale.

treasurer, and file with the clerk and town council a statement, under oath, of all lands and town lots on which the taxes are unpaid at the time of such return; whereupon the clerk shall make out a delinquent list of such lands and town lots, giving as good a description of the property as he can get from the collector's books. He shall therewith annex a notice that, on a day and at a place therein named, he will offer at public auction the said lands or lots therein described, for the tax, interest and costs due thereon. The clerk shall give to the purchaser a certificate of purchase. The said sale shall be between the hours of eight o'clock, A. M., and five P. M., of said day, and otherwise conducted as other sales of lands for taxes are under the revenue laws of this state; and, after the expiration of two years, if such lands or town lots are not redeemed by the proper owner, who shall first show to the clerk a good title in him or some other person for whom he is a legal agent, and pay to said clerk double the amount of tax, interest and costs, with ten per cent. interest thereon, the clerk shall make to the purchaser of such lands or lots within the limits of this incorporation a deed: *Provided*, the said purchaser shall have first complied with the requirements of the constitution and laws in relation to obtaining sheriff's or collector's deeds. Said deed shall be under seal of the town; and, if the foregoing provisions are complied with, said deed shall be as good and valid as deeds made by collectors of taxes under the laws of this state. And in all trials of title, under this act, the public records of the town of Postville may and shall be deemed evidence of the regularity of such sale and title. In addition to the foregoing, all ordinances that may be passed by the council, to carry into effect the foregoing objects, shall be as good and valid as this act can or may be.

#### APPOINTED OFFICERS.

Attorney.

§ 15. The said board shall have power to appoint an attorney, who shall be, *ex officio*, clerk of the said town, a town treasurer, an assessor and collector, and such other officers as may be judged necessary for carrying into effect the powers conferred upon said corporation by this act, and to require them to give such bonds, with such securities and take such oaths as may be judged necessary to insure the faithful performance of their duties, and shall have power to appropriate money and provide for the payment of debts and expenses of the town.

Health.

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

To open, abolish, alter, widen, extend, establish, grade or vacate or otherwise improve and keep in repair streets,

alleys and lanes in said town, and erect, maintain and keep in repair bridges.

To provide for the erection of all needful buildings, for the use of the said town, and to provide for the inclosing, laying off, improving and regulating all public grounds and burial grounds belonging to the town. Buildings.

To license, restrain, regulate and prohibit the selling of any intoxicating or malt liquors, by any person, within the said town.

To forbid and punish the selling or giving away of any intoxicating or malt liquors to any minor, apprentice or servants, without the consent of the parent, guardian, master or mistress.

To license, tax and regulate theatrical and other exhibitions, shows and amusements. Licenses.

To restrain, prohibit and suppress gaming houses, bawdy houses and other disorderly houses.

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

To regulate partition fences, and provide for the inspection and weighing of stonecoal and hay, and for the measurement of wood and fuel to be used in said town.

To regulate the election of town officers, define their duties, and provide for the removal of any person holding office under the ordinances. Officers.

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

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

To impose fines, penalties and forfeitures for the breach of any ordinance, and to provide for the recovery and appropriation of such fines and forfeitures and the enforcement of such penalties.

To prevent the incumbering of the streets, squares, lanes and alleys of said town; to protect shade trees.

To compel persons to fasten horses, mules and other animals attached to vehicles, while standing upon any square, street, lane, alley or uninclosed lot. Running at large  
of stock.

To prevent the running at large of horses, cattle, hogs, sheep and animals, and provide for distraining and impounding the same, and to provide for the sale of the same for any penalty incurred, and to impose penalties upon the owners of any such animals for the violation of any ordinance in relation thereto.

To prevent the running at large of dogs, and to provide for the destruction of the same when running at large contrary to ordinance.

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



Ordinances.

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

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

#### POWERS AND DUTIES OF THE PRESIDENT.

pecial meetings.

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

#### MAGISTRATES AND CONSTABLES.

Police magistrate

§ 19. The present police magistrate of said town of Postville, holding his office under and by virtue of an act entitled "An act for the better government of towns and cities and to amend the charters thereof," approved (February 27th,

1854,) February twenty-seventh, eighteen hundred and fifty-four, shall be deemed to hold his office under and by virtue of this act until the expiration of his term of office. At the first election under this act for town councilmen of said town, after the expiration of the term of office of the present police magistrate of said town, and every four years thereafter, there shall be elected a police magistrate of said town, who shall be, *ex officio*, a justice of the peace for the county of Logan. He shall qualify in the same manner and be subject to the same penalties that are provided by the general laws of this state for other justices of the peace. He shall hold his office for the term of four years and until his successor shall be elected and qualified. He shall possess and may exercise all the powers, jurisdiction and authority that other justices of the peace of the county of Logan might have and exercise in similar cases.

§ 20. The said board of the town council shall have power to pass such ordinances, providing for the construction of sidewalks and crosswalks, as the interest of said town may require; and if said board shall at any time determine, by ordinance, duly passed and published, to have the sidewalks of any street or streets or of any part of the streets of said town paved or planked, said board may, by ordinance, require the respective owners of the lots or ground in front of which pavements or plank walks are to be made to plank or pave the same, in accordance with the ordinances of said board. And if the sidewalks in front of any lot or piece of ground shall not be made, when directed as aforesaid, said board of town council may cause the sidewalks in front of any such lot or piece of ground to be made; and the cost thereof, to be ascertained and determined by the board, shall be a charge against such lot or piece of ground, and may be collected by the sale of such lot or piece of ground, in the same manner that other taxes are collected; and after the sidewalks shall be made, as above provided, said board may provide, by ordinance, that such sidewalks shall be kept in repair by a special tax upon the lots or pieces of ground in front of which sidewalks are made. Sidewalks.

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

§ 22. The president and town council shall have power to provide for the punishment of the offenders against the ordinances, in the county jail or calaboose, in all cases where Punishments.

such offenders shall fail or refuse to pay the fines and forfeitures which may be recovered against them.

Road labor.

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

Writs, &c.

§ 24. All writs for the recovery of penalties for the breach of any ordinance of said town shall be in the form of an action of debt, before the police magistrate, or, in case of his absence, or inability to act, before some other justice of the peace of said county; and changes of venue, and appeals shall be allowed in cases commenced before the said magistrate as in other cases before other justices of the peace: *Provided*, the said corporation shall be allowed to appeal in any case in which they are parties, by causing their clerk to execute a bond, in the name of said corporation, in the form now prescribed by law in other cases, without other security, and an order, entered upon the records of said corporation, directing said appeal, shall be sufficient evidence of the authority of said clerk to sign said bonds.

Execution of process.

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

Suits at law.

§ 26. All suits for fines and penalties, in and for the violation of any ordinance, shall be in the name of "The Town of Postville;" and the said corporation shall have power to regulate, by ordinance, the form and nature of the first and of any subsequent process and the mode of executing the same.

Ordinances.

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

Rights and property of.

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

Publication of ordinances.

§ 29. A certificate of the clerk of the board of town council of said town of Postville, under the seal of the corporation, of the publication of any ordinance of said town, shall be deemed and regarded, in all courts, as evidence of



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

§ 30. In addition to the foregoing powers granted in the act to the town council of the town of Postville, they shall have and may exercise all the powers that are conferred in this charter and amendatory acts of the cities of Springfield and Quincy. —

§ 31. This act shall be deemed and declared to be a public law, and shall be so considered, in all courts and places, and may be used in evidence, without further proof.

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

APPROVED February 21, 1861.

AN ACT to legalize the incorporation of the Town of Chandlerville, Cass In force February  
county, Illinois, and to extend the powers of said incorporation. 21, 1861.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the organization of the town of Chandlerville, under the general law, entitled "An act to incorporate towns and cities," is hereby legalized, and that all the acts and proceedings of the trustees of said town of Chandlerville are hereby declared valid and binding, notwithstanding any informality in the organization of said board of trustees: *Provided,* such acts were otherwise lawful.

§ 2. That hereafter the corporation of the town of Chandlerville shall have all the corporate powers and privileges, as set forth and contained in the act entitled "An act to incorporate the town of Bath," approved February 14, 1857, excepting sections three and thirty-four. Charter of Bath.

§ 3. The trustees of the town of Chandlerville shall have power to alter the present boundaries of the town, by excluding all territory within the present corporate limits south and west of Panther Creek. Boundaries.

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

APPROVED February 21, 1861.

AN ACT to incorporate the Town of Chillicothe, in the county of Peoria, In force February  
and state of Illinois. 22, 1861.

#### ARTICLE 1.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the inhabitants and residents of the town of Chillicothe, in the

Name and style.

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

Boundaries.

§ 2. The boundaries of said town shall be as follows, viz: Beginning at the quarter ( $\frac{1}{4}$ ) section corner, between sections (17 and 20) seventeen and twenty, in township eleven (11) north of the base line, range (9) nine east of the fourth principal meridian; thence, east, on section line between sections (17 and 20) seventeen and twenty, to the county line between Peoria and Woodford counties; thence, on said county line, in a southwesterly direction, to a point where the continuation of the east and west half section line of fractional section (29) twenty-nine, in township (11) eleven north of base line, range (9) nine east of the fourth principal meridian, intersects said county line; thence, west, on half section line of fractional section (29) twenty-nine, in township eleven (11) north of the base line, range (9) nine east of the fourth principal meridian, to the center of said section (29) twenty-nine; thence, north, on half section line of fractional sections (29 and 20) twenty-nine and twenty, to the place of beginning.

## ARTICLE 2.

Trustees.

§ 1. The government of said town shall be vested in five trustees, to be elected, annually, by the qualified voters of said town; and no person shall be a trustee of said town who has not arrived at the age of twenty-one years and who has not resided in said town one year next preceding an election and is not a citizen of the United States. And the said trustees shall, at their first meeting, proceed to elect one of their number president; and shall have power to fill all vacancies in said board, which may be occasioned by death, resignation or removal: *Provided*, the vacancy shall not exceed three months.

§ 2. The board of trustees shall determine the qualification of its own members and all cases of returns and elections of their own body. A majority shall constitute a quorum, but a smaller number may adjourn from time to time and compel the attendance of absent members, under such penalties as may be prescribed by ordinance; shall have

power to determine the rules of their own proceedings, punish a member for disorderly conduct, and, with a concurrence of three-fifths, expel a member.

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

### ARTICLE 3.

§ 1. There shall be elected in the town of Chillicothe, by the qualified voters thereof, on the first Monday of April, 1861, and on the first Monday of April, every four years forever thereafter, a police magistrate and a town constable, who shall hold their respective offices for four years and until their successors shall be elected and qualified. Police magis-  
trate.

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

§ 3. For the election of five trustees, a police magistrate and town constable, the town of Chillicothe is hereby declared an election precinct.

§ 4. The police magistrate shall be commissioned by the governor of the state of Illinois as a justice of the peace, and, as such, shall give bond and take and subscribe the same oath of office as other justices of the peace, and, as such, shall be a conservator of the peace for said town, and shall have power and authority to administer oaths, issue writs and processes, to take deposition and acknowledgments of deeds, mortgages and other instruments of writing, and certify the same, as other justices of the peace; and he shall have exclusive jurisdiction of all cases arising under the ordinances of the corporation, and concurrent jurisdiction, power and authority, arising in all cases whatsoever, with other justices of the peace, under the laws of this state; and shall be entitled to the same fees for his services as other justices of the peace in similar cases: *Provided*, that upon the necessary oath being made by the defendant, as required by law governing justices of the peace, a change of venue shall be granted, in all cases, from the police magistrate of town to the nearest justice of the peace, who is hereby invested in such cases with all the authority of the police magistrate, and he shall proceed to try the same: *Provided, also*, that in the event of absence, sickness, death or resignation of the police magistrate, the next nearest justice of the peace of Peoria county be invested with all the powers conferred upon the police magistrate by the provisions of this act. Police magis-  
trate.



Constable.

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

Neglect of duty.

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

## ARTICLE 4.

## OF ELECTIONS.

Election.

§ 1. On the first Monday of April, 1861, an election shall be held in said town of Chillicothe, for five trustees, a police magistrate, and town constable; and on the first Monday of April, of each year, forever thereafter, an election shall be held for the election of said trustees, who shall hold their offices for one year and until their successors are elected and qualified; and, forever thereafter, on the first Monday of April, every four years, an election shall be held for the election of a police magistrate and town constable, who shall hold their offices for four years and until their successors are elected and qualified; which first election shall commence at ten o'clock, A. M., and close at four o'clock, P. M., of said day; and, for the purposes of said first election, A. J. Powell, R. Scholes, S. C. Jack, J. L. Kinner and J. O. Tomlinson, are hereby constituted corporate trustees for said town.

Notice of election.

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

§ 3. A failure to hold said first election on the first Monday of April, in the year, 1861, shall not work a forfeiture of this charter; but said first election may be held

on any day, after the first Monday in April, in the year, 1861, by giving ten days' notice and conducting the same as prescribed in section two of article four of this charter.

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

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

## ARTICLE 5.

### LEGISLATIVE POWERS OF THE BOARD OF TRUSTEES.

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

§ 2. The board of trustees shall have power to appoint a clerk, treasurer, assessor, supervisor of streets, pound master, town weigher, and all other officers, as may be necessary, and prescribe their duties, and to require of all officers, appointed in pursuance of this charter, bonds, with such penalties and securities, for the faithful performance of their duties as may be deemed expedient; also, to require all officers appointed as aforesaid, to take an oath for the faithful performance of the duties of their respective offices, before entering upon the discharge of the same. Officers of the board.

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

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

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

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

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

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

§ 9. To erect, repair and regulate public wharfs and docks; to regulate the erection and repair of private wharfs and the rates of wharfage thereat.

§ 10. To provide for the inspection and weighing of hay and stonecoal, the measuring of charcoal, firewood and other fuel to be sold or used in the town.

ale of liquors.

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

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

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

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

§ 15. To prevent the running at large of dogs, and provide for the destruction of the same when running at large contrary to ordinance.

§ 16. To prevent the firing of guns and other combustibles or firearms, within the limits of said town; to prevent and restrain loud and unbecoming, profane or indecent language, or other disorderly conduct in said town.

Running at large  
of stock.

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



§ 18. To prevent horse racing or any immoderate riding or driving, within the limits of said town, of horses or other animals; to compel persons to secure their horses and other animals attached to vehicles or otherwise, while standing or remaining in any street or alley, or public road in said town.

§ 19. To establish and maintain a public pound, and appoint a pound master and prescribe his duties.

§ 20. To define and declare what shall be deemed nuisances, to punish the authors thereof, to authorize and direct the summary abatement of nuisances and the removal of the same two miles from the boundaries of said town. Nuisances.

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

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

§ 23. To borrow money on the credit of the town: *Provided*, that no sum or sums of money shall be borrowed at a greater interest than ten per cent. per annum, nor shall the interest on the aggregate of all the sums borrowed and outstanding, ever exceed one half of the town revenue arising from taxes assessed on real property within the limits of said corporation, and, unless a majority of the legal voters of said town shall vote for the same. Borrowing of money.

§ 24. To regulate the election of town officers, and to provide for removing from office any person holding office created by ordinance.

§ 25. To provide for taking enumerations of the inhabitants of the town.

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

§ 27. The board of trustees shall have power to erect in the town of Chillicothe a calaboose, for the confinement and punishment of persons guilty of violation of the ordinances of the corporation hereby created, and for the purpose of confining persons under arrest for the violation of ordinances of the corporation, when trial is delayed.

§ 28. To require railroad companies to construct and keep in repair suitable crossings at the intersections of streets and alleys when the board shall deem necessary, to prohibit and restrain railroad companies from doing storage or warehouse business or collecting pay for storage, and to regulate the speed of locomotive engines within the town limits.

§ 29. The board of trustees shall have power to make and enforce all ordinances necessary to preserve good order, government and harmony in said town, and punish offenders by fine or imprisonment in the town calaboose, or both,

or by work on the streets in said town, at the rate of one dollar per day, in all cases where such offender shall fail or refuse to pay the fines and forfeitures which may be recovered of them: *Provided*, that such ordinances are not inconsistent with the constitution of the United States or of this state.

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

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

§ 32. All ordinances of the town may be proven by the seal of the corporation, and, when printed or published in book or pamphlet form, purporting to be printed or published 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.

## ARTICLE 6.

### OF THE PRESIDENT.

§ 1. The president shall preside at all meetings of the board, and shall have the casting vote, and no other. In any case of his nonattendance at any meeting of the board, the board shall appoint one of their number chairman, who shall preside at that meeting.

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

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

## ARTICLE 7.

### PROCEEDINGS IN SPECIAL CASES.

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

Exhibit of book  
and papers.

Opening of  
streets, &c.

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

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

§ 4. The board of trustees shall have power, by ordinance, to levy and collect a special tax on the holders of lots on any street or alley, according to the respective fronts owned by them, for the purpose of paving, grading or otherwise improving said sidewalks of said street or alley: *Provided*, the tax shall not exceed one-half of the expense of paving, grading or otherwise improving said street or alley. Special tax.

#### ARTICLE 8.

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

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

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

§ 4. All ordinances and resolutions passed by the board of trustees of the town of Chillicothe shall remain in force



until the same shall have been repealed by the board of trustees.

Appeals in suits.

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

Suits at law.

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

Vacancies.

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

Public property.

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

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

§ 10. This act to take effect from and after its passage.  
APPROVED February 22, 1861.

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In force February 21, 1861. AN ACT to vacate certain town lots in the Town of Haldam, in the county of Ogle, and to change the name of said Town to that of Campus.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That all of the town plat of the town of Haldam, in the county of Ogle, and state of Illinois, be and the same is hereby vacated, saving and excepting therefrom blocks seven, (7,) eight, (8,) nine, (9,) twelve, (12,) thirteen, (13,) and fourteen, (14,) and the streets and alleys within the outside boundaries of said blocks.

§ 2. That the name of the said town of Haldam be changed to that of "Campus:" *Provided, however*, that the change of name shall in no case affect conveyances heretofore made.

§ 3. That, whereas the quarter section on which said town of Haldam is situated is assessed and the taxes levied

thereon for 1860 are extended on the collector's book for the township in which said town is located, therefore, *Be it further enacted*, that the taxes levied and assessed for the year 1860 on those lots of said town which are hereby vacated, be and the same is hereby declared null and void.

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

APPROVED February 21, 1861.

AN ACT to amend an act entitled "An act to authorize the drainage of lands in the townships therein mentioned, and to construct roads therein," approved June 23rd, A.D. 1852. In force February 22, 1861.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, Amend section four of the act entitled "An act to authorize the drainage of lands in the townships therein mentioned, and to construct roads therein," approved June 23rd, 1852, by inserting, after the word "appraisal" and before the word "may," in the second line, the words "or any school trustees considering the appraisal improper."

§ 2. Amend section six of said act, by adding thereto, "it shall be the duty of all trustees of schools, in the townships in said act mentioned, out of any school moneys which may come into their hands, to pay any assessments which may have been or may hereafter be laid or assessed on or against any school lands within their respective townships, by the Cook county drainage commissioners, for the doing of any work authorized to be done by the said act to which this is an amendment; and it shall be the duty of said trustees of schools to redeem all school lands which may have been sold for or on account of any assessment heretofore levied by said Cook county drainage commissioners from such sale; but they shall not be obliged to pay more than the amount for which such lands were sold; and they are authorized to use any moneys belonging to schools, in their hands, for the purpose of making such redemption, after providing for the current expenses of the schools. The trustees of the schools are hereby authorized to levy a special tax, to pay the amount necessary to satisfy such assessment, or the amount required to redeem for any sale made as aforesaid." Duty of school trustees.

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

APPROVED February 22, 1861.

Redemptions.

In force February 21, 1861. AN ACT to amend an act entitled "An act to incorporate the town of Danville," approved February 15, 1855.

Addition to town.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That in addition to all the territory now contained within the limits of the town of Danville, there shall be added to said town and embraced within its limits and subject to its jurisdiction and ordinances all the territory lying and being in section nine, township nineteen north, of range eleven west, and embraced in the following additions to said town, as recorded in the recorder's office of Vermilion county, as follows, to wit: The addition known as Forbes and Short's addition to the town of Danville, as surveyed and laid out by Thomas R. Forbes and John C. Short, recorded on the sixth day of June, A. D. eighteen hundred and fifty-six, in book R, at page three hundred and fifty-six, of the Vermilion county records; also the addition known as Harmon's addition to the town of Danville, as surveyed and laid out by Oscar F. Harmon, recorded on the fourteenth day of February, A. D. eighteen hundred and fifty-seven, at page four hundred and twenty-nine, in book S, of Vermilion county records; also, the addition known as Kilborn's addition to the town of Danville, as surveyed and laid out by Jonathan Kilborn, recorded on the twentieth day of April, A. D. eighteen hundred and sixty, at page two hundred and sixty, in book X, of Vermilion county records. The above mentioned additions to the town of Danville are hereby added to and made a part of the town of Danville, with the same effect and authority as if they had been legally added to said town and recorded subsequent to the passage of the act to revive and amend an act entitled "An act to incorporate the town of Danville," approved February 15, 1855, approved February 16, 1857.

Sale of intoxicating liquors.

§ 2. All the ordinances of the town council of the town of Danville to prohibit and suppress the sale or keeping for sale of spirituous, vinous, mixed or other intoxicating liquors, or imposing any fine, penalty or forfeiture therefor, shall extend to and be in full force in all territory lying within one mile of the limits of the town of Danville, as fixed by this act; and the town and police constables and all officers authorized to execute process issued by the police magistrate, and the police magistrate of the town of Danville shall have jurisdiction in all such cases, within one mile from the town limits, in the same manner as if the offense occurred within the town of Danville.

Street labor.

§ 3. Section one of article eight of the act to which this is an amendment, is hereby amended so as to read as follows, to wit: "The town council of the town of Danville may, by ordinance, require all the inhabitants of said town subject to street labor, according to the terms of its charter,



to labor on the public roads leading into said town, within one mile from the limits of said town, and may appropriate moneys belonging to the town for the same purpose."

§ 4. The town council may have power, by ordinance, to provide that every person against whom any judgment may hereafter be recovered in favor of said town, for any fine, penalty or forfeiture for a breach of any ordinance, instead of being committed to jail, may be required to labor on the streets or on any public or private works within two miles from the center of said town, until the whole fine, penalty forfeiture and the cost shall be paid, at the same rate per day as may be allowed as a forfeiture for a failure to perform street labor, under the direction of the supervisor of streets. Labor in satisfaction of fines.

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

APPROVED February 21, 1861.

AN ACT to vacate certain blocks, lots, streets and alleys in the town of Du Quoin, in Perry County. In force February 22, 1861.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That blocks numbered thirty, (30,) thirty-one, (31,) thirty-two, (32,) thirty-three, (33,) thirty-four, (34,) thirty-five, (35,) and lots numbered nine, (9,) ten, (10,) and eleven, (11,) in block thirty-six, (36,) and all of the west half of said block thirty-six, (36,) and blocks thirty-seven, (37,) thirty-eight, (38,) thirty-nine, (39,) and forty, (40,) and the west half of block forty-one, (41,) and lots number five, (5,) six, (6,) seven, (7,) eight, (8,) nine, (9,) ten, (10,) eleven, (11,) twelve, (12,) and thirteen, (13,) in block forty-six, (46,) of Keyes and Metcalf's second addition to the town of Du Quoin, in the county of Perry, be and the same are hereby vacated. Vacation of certain blocks.

§ 2. That all the streets and alleys heretofore platted and laid out on the west side of the Illinois Central railroad, in said Keyes and Metcalf's second addition to said town of Du Quoin, which lie south and west of the railroad addition to said town, except Main street and the alley running through block number thirty-six, in said Keyes and Metcalf's second addition, be and the same are hereby vacated. Vacation of streets and alleys.

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

APPROVED February 22, 1861.

In force February  
22, 1861.

# AN ACT to incorporate the town of Du Quoin.

Corporate name  
and 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 Du Quoin, in the county of Perry, are hereby made a body corporate, by the name of "The Town of Du Quoin;" and, by that name shall have perpetual, succession, sue and be sued, plead and be impleaded, in any court of law or equity; take, hold and purchase such real estate, within or without the corporate limits of said town, and to sell, lease or convey and improve the same, as the purposes of the corporation to them may seem to require; and also to have a common seal, and alter the same at pleasure. And the inhabitants of said town shall be exempt from all road labor and road tax levied by the county of Perry.

## BOUNDARIES.

§ 2. The boundary lines of said town corporation shall be as follows: Beginning at a point one-half mile due east from the south-west corner of the park, as now inclosed, and running, thence, north, one-half mile; thence, west, one mile; thence, south, one mile; thence, east, one mile; and thence, north, one mile, to the place of beginning: *Provided*, that the corporate authorities of said town may alter or change the boundaries of said town, by ordinance; but said boundaries shall never be so altered as to include less than one mile square.

## ELECTIONS.

Notice of election

§ 3. In all elections, held under this charter, two weeks' public notice shall be given of the time and place thereof, by an advertisement in some paper published in said town, or by posters, put up in four of the most public places in said town; and three of the acting trustees shall act as judges and two as clerks of such elections, they having first taken the oath prescribed by law for the judges and clerks of elections for county officers. Every white male, over twenty-one years of age, resident of said town six months next preceding such election, shall be entitled to vote thereat; and, in all other respects, such election shall be conducted as may at the time be prescribed by law for the election of county officers.

## TOWN OFFICERS.

Trustees.

§ 4. The town officers shall consist of a board of five trustees, to be elected annually, on the first Saturday of April in each year, by the qualified voters of said town, who

shall, at their first meeting thereafter, appoint one of their number president. The board shall then appoint a secretary, treasurer, town constable, assessor and street inspector: *Provided*, that the board may, at any time thereafter, appoint such other officers and agents of the corporation as they may deem necessary, whose duties and liabilities they shall prescribe, by ordinance. All the town officers shall hold their offices for one year and until their successors shall be elected and qualified, or appointed, as aforesaid. Each officer of said town shall, before entering upon his duties, take and subscribe an oath to support the constitution of the United States and of this state, and faithfully and to the best of his skill and ability discharge all the duties devolving upon him, under this charter and the rules, regulations, by-laws and ordinances of the board. No person shall be eligible to the office of trustee who shall not have attained the age of twenty-one years, who shall not have resided in the town one year next preceding his election, and who shall not be a citizen of the United States and tax payer in said town. Every town officer and agent shall make a full report of all his official acts, receipts and expenditures to the board every three months and as much oftener as the board shall require. If any town officer or agent shall remove from the town, his office or appointment shall be thereby vacated. The board of trustees shall judge of the qualifications, elections and returns of its members, and shall determine all contested elections to said board. All vacancies in said board shall be filled by election, and the trustees so elected shall serve only for the unexpired term of his predecessor.

Official oath.

Official report.

#### PRESIDENT.

§ 5. It shall be the duty of the president to preside at all meetings of the board and preserve order and decorum, and, in his absence or inability to act, some other member shall be chosen, *pro tem.*, to discharge the duties of the president. The president shall decide all questions of order, subject to appeals to the board; appoint all committees, unless otherwise ordered by the board; call special meetings of the board, upon the written request of any two members of the board; take care that the charter and ordinances, rules, regulations and by-laws are duly enforced and observed; to direct the institution of suits for all violations of the town ordinances, and, to personally attend all trials, and prosecute or defend, for the interest of the town; and report to the secretary all fines imposed; to keep himself fully informed of the official conduct of all officers of the town, and cause any neglect or violation of duty chargeable on them to be duly prosecuted and punished; and to give to the board, from time to time, information relative to the town; and recommend such measures as he shall deem advantage-

Duties of the president.



ons to its interest. The said corporation shall be entitled to appeal, in any case, from the judgment of the police magistrate or any other justice of the peace or court, in any case to which they may be parties, by causing their secretary to execute a bond, in the name of said corporation, in form and within the time now prescribed by law in other suits, without security; and an order, entered on the record of said corporation, directing their secretary to take an appeal shall be competent authority to said secretary to sign said bond.

#### SECRETARY.

Secretary.

§ 6. It shall be the duty of the secretary to keep, in a well bound book, a complete and full record of all the proceedings of the board, and a faithful account of all the fiscal affairs of the corporation; to carefully preserve all books, papers, maps and records relating to his office and the corporation, and furnish duly attested transcripts therefrom, when required; to draft and countersign all the orders or warrants for the payment of money; to issue all licenses and permits, and give due notice of all elections, contracts and lettings, and all other matters requiring publication, when ordered by the board; and to perform whatever other duties may be required by the board.

#### TREASURER.

Treasurer.

§ 7. It shall be the duty of the treasurer to receive all moneys due the corporation, giving his receipt therefor, and pay out the same upon the order or warrant of the board, signed by the president and countersigned by the secretary. He shall keep, in a well bound book, a fair and just account of all such receipts and payments, and report thereof to the board every three months, and as much oftener as the board shall require.

#### TOWN CONSTABLE.

Town constable.

§ 8. The town constable shall give bond, qualify, and have power and jurisdiction as other constables of Perry county; and it shall be his duty to serve and execute all processes and papers in all suits relating to the corporation; but in case of his absence, inability or refusal to act, any other constable of Perry county may, and it is hereby made his duty to act in his stead; to preserve order and quiet in the town; to arrest offenders, upon view, without warrant or process, and proceed with them to a speedy trial; to collect fines, forfeitures and other moneys due the corporation, and attend all meetings of the board, when requested by the president. He shall be, *ex officio*, collector of all

taxes and assessments levied by the board of trustees, and shall do and perform such other acts and duties as the board may prescribe. It is hereby made competent for any process relating to the corporation to be executed anywhere in Perry county.

#### THE TOWN ASSESSOR.

Assessor.

§ 9. The town assessor shall perform all the duties required of him by this act and the ordinances of the board in assessing property, for the purpose of levying the taxes imposed by the board. In the performance of his duty he shall have the same powers as are or may be given to county assessors, and be subject to the same liabilities: *Provided*, the board may, by ordinance, change or modify his duties, in any manner, not inconsistent with the constitution and laws of this state.

#### STREET INSPECTOR.

Street Inspector.

§ 10. It shall be the duty of the street inspector, personally, to superintend all the duties which devolving upon him by the action of the board; to keep a record of all his official acts, receipts and expenditures, and to do and perform all such acts as the board may require of him.

#### OFFICIAL BONDS.

Bonds to be filed.

§ 11. The president, treasurer, town constable, town assessor and street inspector, and such other officers as the board may, from time to time, direct or appoint, shall, before entering upon his official duties, file with the secretary his bond, in such amount and with such security as the board may direct and approve, conditioned for the faithful discharge of his duties, under this act, and the rules, regulations, by-laws and ordinances of the board; which bond shall be made payable to "The Town of Du Quoin;" and suit may be brought thereon, for the use of any party aggrieved by any breach of its conditions. A copy of any such bond, duly certified by the secretary, shall be received in all courts as evidence. And the board may, at any time, for proper cause, to be entered upon their journal of proceedings, order a new bond, with additional security and increased penalty; and if any of the officers aforesaid shall fail, neglect or refuse to file such new bond, within the time to be prescribed by the board, his office shall thereby be vacated and filled by election or appointment, as the case may be.

## POWERS OF THE BOARD OF TRUSTEES.

General powers.

§ 12. The board of trustees shall have power to ordain and establish such rules, regulations, by-laws and ordinances, and impose such fines, penalties and forfeitures for the breach thereof, as they shall deem necessary for the government and direction of said corporation, and for the management, control, disposition and application of its corporate property, and for carrying into full force and effect all the powers, duties and privileges herein and hereafter granted and enumerated. They shall also have power—

Elections.

*First.*—To provide for all town elections; to regulate the election and appointment of town officers; to provide for filling all vacancies therein, and to provide for removing from office, for malfeasance or other just cause, any officer holding office created by ordinance, or under this act.

Fees.

*Second.*—To fix, alter and regulate the fees and salaries of all town officers, jurors, witnesses and others, for services rendered under this act or any ordinance.

*Third.*—To determine the rules of its proceedings, punish its members for disorderly conduct, and, with the concurrence of four members, expel or remove, for proper cause, any member of the board, or any officer appointed by the board.

Police.

*Fourth.*—To regulate the police of the town; 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 provide for the punishment, by labor on the public streets of said town or imprisonment in the county jail, of all offenders who shall fail or refuse to pay the fines and forfeitures recovered against them; but no such fine shall exceed fifty dollars, nor the imprisonment ten days for any one violation.

*Fifth.*—To prevent, restrain, license and prohibit the sale of any wine, gin, rum, brandy, whisky or other vinous, spirituous or mixed liquors; and to license the sale of beer and malt liquors; to suppress bawdy and other disorderly houses, gaming and gaming houses.

Riots.

*Sixth.*—To suppress any riot, rout, noise disturbance or disorderly assemblage in any street, house, building or place in the corporate limits of the town; to punish for open indecencies, breaches of the peace, assaults and assaults and batteries, affrays, horse racing, fast or careless riding or driving through the town, and the firing of guns, pistols and other firearms, and the burning of fire crackers or other dangerous or combustible material, likely to endanger the buildings in the town.

Streets, &amp;c.

*Seventh.*—To license, tax and regulate theatrical and other exhibitions, shows and amusements.

*Eighth.*—To open, alter, widen, extend, vacate, establish, grade, pave and otherwise improve and keep in repair



streets, lanes, avenues, alleys, side-walks; to prevent encroachments into and upon and to remove all obstructions from the streets, lanes, avenues, alleys, public roads and side-walks, and to provide for the construction, repair and cleaning of all side-walks, curb-stones and gutters, at the expense of the owners of the ground fronting thereon.

To establish, erect and keep in repair bridges and culverts.

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

To provide for inclosing, improving and regulating all public grounds belonging to the town, either by donation or purchase.

To provide for the inspection and weighing of hay, grain and stonecoal, to be sold or used within the town. Inspection.

To make regulations to secure the general health of the town, and to prevent and remove nuisances.

To provide for the prevention and extinguishing of fires. Fires,

To regulate and order the fixing of chimneys, stovepipes, flues, parapet walls and partition fences.

To regulate the storage of all combustible materials.

To provide for taking an enumeration of the inhabitants of the town.

To provide public wells and keep them in repair.

Water.

To borrow money for these purposes on the credit of the town, and issue the bonds of the town therefor; but no sum of money shall be borrowed at a higher rate of interest than ten per cent. per annum; nor shall a greater sum be borrowed at any one time, nor at any time outstanding, than shall amount, in the aggregate, to two thousand dollars, nor shall any sum be borrowed, unless the proposition to borrow the same shall first be submitted to a vote of the qualified electors in said town, as herein before fixed, and assented to by a majority voting thereon.

Borrowing of money.

Vote upon borrowing money.

To levy and collect taxes, not exceeding one-half of one per cent. upon the assessed value thereof, upon personal and real property, moneys and credits, within said corporation, to be applied for the benefit of said corporation.

§ 13. The stated meetings of the board shall be on the second Saturdays of every month, until otherwise ordered by the board, at such place as the board may direct. When a special meeting shall be called, all the members of the board shall have notice thereof, in the manner to be provided by the board. Three members shall constitute a quorum to do business, at any regular meeting of the board; but a less number may meet and compel the attendance of the absentees. No member of the board shall vote upon any question in which he is personally interested; nor shall any member of the board or town officer be security in any bond, note or obligation given to the board. All ordinances, Stated meetings.

Form of ordinances.

Inspection of records

Taking of private property.

Disposition of the moneys.

resolutions and decrees passed by the board, shall be styled, "*Be it ordained (or resolved, as the case may be) by the town of DuQuoin,*" etc.; and they shall be in force from and after ten days after publication, by an advertisement in some paper published in said town, or by posting up copies thereof in four of the most public places in said town. And the secretary shall enter in the book in which the proceedings of the board shall be kept the date of such advertisement or publication. And all such entries, ordinances, resolutions, decrees, and the proceedings of the board, may be proven by the certificate of the secretary, with the seal of the corporation annexed, and shall be received as evidence, in all courts and places, without further proof. The official books, papers and records and accounts of the board, and all officers of the corporation shall be open to inspection, at all reasonable times, upon application to the proper officer. The secretary shall, at least two weeks prior to the annual election for trustees, make out and place upon the records of the board a full and complete statement, item by item, of all the fiscal affairs of the corporation, naming the person and purpose of each receipt, expenditure, fine, debt, claim and demand; which shall be made public at least one week prior to said election, by an advertisement in some paper published in said town. All the proceedings of said board shall be published in some paper in said town, within two weeks after the same are had.

§ 14. That the mode of taking private property for public use, by the corporate authorities of said town, shall be the same as prescribed in section fifteen of the act entitled, "An act to consolidate the several acts incorporating the town of Waterloo, and to amend the same," approved February 18, 1859; and that all the provisions of said section fifteen are hereby made applicable to the said town of DuQuoin, except that the appeals therein provided for shall be taken to the circuit court of the county of Perry.

§ 15. That all the rights, powers, duties and immunities conferred upon the town of Waterloo by the sixteenth section of the act entitled "An act to consolidate the several acts incorporating the town of Waterloo, and to amend the same," approved February 18, 1859, are hereby conferred upon and made applicable to the town of DuQuoin, except that the notices therein required to be published or posted, shall be published or posted in the town of DuQuoin.

§ 16. All moneys arising from fines, forfeitures and penalties, and all moneys arising from licenses, taxes and assessments, for corporate purposes; and all moneys borrowed by the board of trustees, shall be paid into the treasury and go to the use of the inhabitants of the town of DuQuoin, in their corporate capacity, to be appropriated and expended by the board, for the advancement and improvement and benefit of said town.

§ 17. The board of trustees shall cause to be kept in good repair all the public roads leading from or through said town, for one mile from the center of the town. Roads.

§ 18. No inhabitant or officer of said town shall, for that cause, be disqualified from serving on a jury or to become a witness in any suit, or proceeding wherein the corporation may be a party or interested.

§ 19. Any person may be licensed to sell lager beer, ale or other malt liquors, upon the payment of any sum not less than twenty-five dollars nor to exceed one hundred; and the board may require from the applicant a bond, with good security, in any sum, not exceeding five hundred dollars, conditioned that the applicant will keep an orderly house, and suffer no unlawful games or gaming therein: *Provided*, that at least twelve resident householders within said town shall petition the board to grant such license to the applicant: *And, provided, further*, that the board may grant licenses for a less term than twelve months, at any sum not less than ten dollars, nor for a shorter time than one month. And the said board shall have no power to pass any ordinance prohibiting the erection of breweries within the limits of said town, nor the sale of ale, beer or other malt liquors by a quantity of one gallon and upwards, from any brewery within the corporate limits of said town. Liquor licenses.

§ 20. The incorporation of the said town of DuQuoin, under the general laws, heretofore made, is hereby declared valid; and all ordinances enacted by the trustees thereof, except as hereinafter provided, in section twenty-two of this act, are declared to be in full force until repealed or amended by the board, so far as the same are not inconsistent with the constitution and laws of this state. And all fines, penalties and forfeitures, which have accrued to the president and trustees of the town of DuQuoin shall be vested in the town corporation hereby created. And all suits now pending and causes of action now existing shall be prosecuted in the name of the president and trustees of the town of DuQuoin. All property belonging to the president and trustees is hereby vested in the corporation hereby created.

§ 21. All fines, penalties and forfeitures, for the breach of any ordinance of said town, may be recovered by action of debt, or in such manner as the board may prescribe, not inconsistent with the constitution and laws of this state, before the police magistrate or any justice of the peace in the county of Perry.

§ 22. That all laws and parts of laws, inconsistent with the provisions of this act, and all the ordinances and parts of ordinances of said town, heretofore passed by the president and trustees, prohibiting, restraining or regulating the sale of ale, beer or other malt liquors, are hereby repealed. Recovery of fines.



§ 23. That the present trustees of said town shall hold their offices until the time fixed by this act for the first election of the board herein provided for, and until the said board shall be qualified.

Use of certain  
moneys

§ 24. That all moneys arising from the granting of licenses to keep grocery or for the sale of vinous, spirituous or mixed or malt liquors, now in the hands of the treasurer of said town, or which may be due for the same, shall be retained by the said corporation and applied to its use, any thing in the laws of this state to the contrary notwithstanding.

§ 25. This act shall be deemed and taken as a public act, and may be read in evidence, without proof; and shall be in force from and after its passage.

APPROVED February 22, 1861.

In force February  
21, 1861.

AN ACT to incorporate the Town of De Kalb.

Corporate name  
and 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 DeKalb, in De Kalb county, are hereby constituted a body politic and corporate, to be known by the name of "The President and Trustees of the Town of De Kalb;" and by that name shall be known in law, and have perpetual succession; may sue and be sued, implead and be impleaded, defend and be defended, in courts of law and equity, in all matters and actions whatsoever; may purchase, take, receive and hold personal property and real estate, within the limits of the incorporation, but not elsewhere; may lease, sell and convey the same; and do all other lawful acts within the scope of this act of incorporation as natural persons may do; may have a common seal, and break and alter the same at pleasure: *Provided*, no land shall be sold by them which has been conveyed to or is held by the corporation for streets, alleys, lanes, public grounds or squares.

Boundaries.

§ 2. That all that district of country contained in and known and lying in township forty (40,) in De Kalb county, Illinois, described as follows, to wit: Commencing at the southwest corner of section twenty-three (23,) running west on section line of section twenty-two (22) to the half section line of said section twenty-two (22,) thence north on said one-half section line, until said section line intersects the Kishwaukee river, thence along the eastern bank of said river to the north line of section twenty-two (22,) thence east along said line to the east quarter section line of section twenty-three (23,) thence south along said quarter section

line to the south line of section twenty-three (23,) thence along said section line to the place of beginning, is hereby declared to be within the limits of the incorporation hereby created: *Provided*, the board of trustees may extend the limits of said incorporation not to exceed two miles square of land.

§ 3. The corporate powers and duties of said incorporation shall be vested in five trustees, who shall form a board for the transaction of business. The first board of trustees shall be elected on the second Monday in March next, and thereafter shall be elected annually on the second Monday in March, in each and every year, to serve for one year and until their successors are elected and qualified; they shall be citizens of the United States, twenty-one years of age, shall possess a freehold estate within the limits of the incorporation, and shall have resided therein at least one year next preceding the election. No failure to elect trustees on the day appointed shall operate as a dissolution of the corporation, but such election may be held on any subsequent day, upon five days' notice, given by any five legal voters of said town, or the clerk of the board of trustees, in such manner as the board of trustees shall by ordinance direct, may call such election.

Town trustees.

§ 4. The board of trustees shall appoint their president from their own body, who shall preside at the meetings of the board; and in case of absence or inability to serve as the president, the trustees present shall have power to elect a president *pro tem.* from their own number. The board shall be judges of the qualifications, elections and returns of their own members. A majority of the trustees shall constitute a board to do business, but a smaller number may adjourn from day to day and may compel the attendance of absent members, in such manner and under such penalties as they shall provide. The board of trustees shall determine the rules of proceeding and order of business before them, punish their members or other persons for disorderly conduct before the board while in session, and by a vote of four-fifths of the whole number elected expel a member, for good cause shown; and make such other rules and regulations for their own government, as to them may seem meet, proper and expedient; and in case of death, removal from the limits of the incorporation, neglect for the space of three months together to serve, or refusal to serve, to be signified in writing to the board, the remaining members may appoint to fill the vacancy thereby occasioned.

President.

§ 5. No person shall vote at any election of officers of said incorporation unless he be qualified to vote for representatives to the general assembly, and shall have resided within the limits of said incorporation for three months next preceding the election. No person shall be appointed or elected to any office under this incorporation unless he be at the

Qualification of voters.

time entitled to vote at all elections under this act; and all such elections shall be by ballot, and tie votes shall be decided by lot in the presence of the board of trustees.

Cler  
&c.

treasurer,

§ 6. The board of trustees shall, annually, at the next regular meeting after their election or as soon thereafter as may be, appoint a clerk of the board of trustees, a treasurer, and such other officers, from time to time, as they may deem necessary, and for such term as they shall by ordinance direct, not exceeding one year. An assessor and constable of said incorporation shall be elected at the same time and in the same manner and for the same term as trustees shall be elected, as provided in this act. The board of trustees shall have power to define and regulate the duties of the officers of the incorporation, in such manner and under such penalties as they shall deem proper, and to provide for their compensation.

§ 7. The board of trustees shall have power and they are hereby directed to require of said clerk, treasurer, assessor and constable to take an oath of office and file the same with the clerk, and give bond, with sufficient security, to be approved by said board of trustees, well and truly to perform the duties of their respective offices, as shall be required of them by law or the ordinances of said town, from time to time, and in such penalties as the board of trustees shall direct; all such bonds to be given to said incorporation by its corporate name.

§ 8. The board of trustees shall have power to borrow money on the credit of the town: *Provided*, that the amount of money borrowed and the indebtedness of the incorporation on account of money loaned shall at no time exceed two thousand dollars, and at a rate of interest not exceeding ten per cent. per annum.

Misuse of funds.

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

General powers  
of the board.

§ 10. The board of trustees shall have power to make regulations to secure the general health of the inhabitants; to declare what shall be nuisance, and prevent and remove the same; to provide the town with water, and dig wells, erect hydrants and pumps in the streets for the convenience of the public; to open, alter, extend, establish, grade, plank, pave and in any other way or manner improve and keep in repair streets, avenues, lanes and alleys, sidewalks, crosswalks, drains and sewers; to establish, erect and keep in repair bridges; to provide for the erection of all needful buildings, for the use of the town; to provide for inclosing, improving and regulating all public squares or places within or belonging to the incorporation; planting trees in the streets and public squares, for ornament or shade and the



protection of the same; to restrain and prohibit shooting, horse racing, indecent exposure of horses and persons, houses of ill fame, gaming and gaming houses, and all other disorderly houses, and to suppress the same; to provide for taxing, licensing and regulating theatrical or other shows and amusements, for the admission to which money or anything is charged; to regulate and license merchants, auctioneers and peddlers; the exclusive power to regulate, prohibit or license the selling of spirituous, vinous and malt liquors of any kind, within the corporate limits; to restrain and prohibit the running at large of any horses, cattle, sheep, swine, goats or dogs, within said corporation; to erect market houses, to establish markets and market places, and provide for the use, government and regulation thereof; to fix the rates to be charged for the carriage of persons and property, within the limits of said corporation, by carriages, wagons, sleighs or drays; to provide for the preservation from and extinguishment of fires; to establish and regulate a fire department; to regulate the storage of gunpowder and all other combustible materials; to regulate the sale of game; to regulate the speed at which railroad locomotives and cars shall be driven or horses rode or driven through said incorporation; to regulate the police of the town; to regulate the election of officers of the incorporation; to provide for their compensation, except that the board of trustees shall not receive any compensation for their services as such, and shall be incompetent to hold any other corporation office during the term for which they may have been elected trustees, having accepted of such office of trustee; to provide for the inspection and weighing of hay and coal, the measurement of charcoal, firewood or other fuel, to be sold or used within the incorporation; to make all such ordinances, from time to time, and alter, amend and repeal the same, as shall be necessary to carry into effect and execution the powers specified in this act, so that the same be not inconsistent herewith nor with the laws or constitution of the United States or of this state; to impose fines, forfeitures and penalties for the breach of any ordinance of the incorporation, and to provide for the recovery and appropriation of any such fine or forfeiture, and the enforcement of any such penalty; to provide for the infliction of fines or penalties upon any officer of the incorporation neglecting or refusing to perform any duty or act required of such officer in this act to be done; to cause, from time to time, a census of the inhabitants of said town to be taken, and in their discretion to divide said town into wards, and designate the number of trustees that each ward shall be entitled to; to provide for the election of one justice of the peace from the legal voters of the incorporation, at the election of the board of trustees by the legal voters of the town, who shall hold his office for four years and until their suc-

Taxes and Licenses.

Officers of the town.

Ordinances.

Justices of the peace.

cessors are elected and qualified, returns of which election shall be made by the clerk of the town, and such justices shall be commissioned by the governor, give bonds, to be filed in the town clerk's office, and running to the board of trustees of the town, and in all other respects be qualified and conform to the general laws of the state providing for the election and qualification of justices of the peace, and shall have the same jurisdiction, power and authority, and perform all such acts and duties as are or may be by laws of this state vested in or required of justices of the peace at and within said county of De Kalb. And in case of death, removal from the corporation, incapacity or refusal to serve of any justice of the peace elected under this act, to provide for filling the vacancy by election.

Regular meetings.

§ 11. The regular meeting of the board of trustees shall be on the first Monday of every month, at such time, on said days and place as by ordinance they shall designate, and they may provide for the holding of adjourned and special meetings.

Taxes.

§ 12. The board of trustees shall have power to levy, annually, at the first regular meeting of the board, after their election, or such other time as they may designate, and collect taxes for the incorporation upon all real estate within the limits of said corporation, and upon all personal property of the inhabitants of the town, within said town, not exceeding one per centum upon the assessed value thereof. In making such assessments the assessor shall be governed by the laws of this state directing the assessing of property for state and county purposes, for the time being, as near as may be, and so as not to conflict with the provisions of this act: *Provided*, that the trustees may adopt the then last assessment made under the general laws of this state. The assessor, after having made his assessment roll, shall deposit the same with the clerk of the board of trustees, who shall note thereon the time of such deposit for inspection of any and all persons interested, for the space of ten days, posting up notices in four of the most public places in said town that said roll is so left for inspection, and shall, upon the lapse of said ten days, attach to said assessment roll his affidavit, stating therein the time of depositing said roll with said clerk as aforesaid and the time of posting said notices. The clerk shall file and carefully preserve said roll in his office; and all taxes levied upon real estate are declared to be a lien on the real estate upon which the same are assessed, from and after such roll is deposited with said clerk as aforesaid.

Inspection of assessments.

§ 13. It shall be the duty of the clerk of board of trustees, within five days thereafter, to post up notices in four of the most public places in said corporation, and also insert such notices in a newspaper, should there be one published in said town, that at a place and on a day to be therein

named, not more than two weeks from the time of said depositing, as provided in section twelve (12,) of this act, the board of trustees will meet for the purpose of inspecting said assessment, when and where it shall be the duty of the board of trustees to meet and hear and investigate, under oath of the parties complaining, to be administered by the clerk of said board, any complaints that the party complaining is charged with property which did not belong to him or her at the time the same was assessed, or that his or her property is assessed too high; and shall in all such cases so alter or amend, or not, said roll, as to them shall seem right: *Provided, however,* that if a regular meeting of the board of trustees will happen at any time within three weeks after the filing of said roll, then it shall not be necessary to have a special meeting convened, as above, but the matters specified in this section may be acted upon at such regular meeting.

§ 14. After such assessment roll shall have been before the board of trustees for its action thereon, as above provided for, and after making such alterations therein as they may deem necessary, under the preceding section, it shall then be the duty of the board to cause a warrant to be issued, under the seal of the corporation, and signed by the president and clerk of said board, directed to the town constable, with a copy of said assessment roll attached, commanding him to proceed and collect the same, within ninety days after the date thereof; and in the collection thereof, the said town constable is vested with the same powers, and to be exercised in all respects in the same manner as collector of taxes are, in and by the act to provide for township organization, as far as the same shall be applicable.

Issuing of warrants.

§ 15. It shall be the duty of the constable to pay to the treasurer of the town all moneys collected by him deducting his per centage, from time to time, as fast as collected, and to make returns, in writing, thereof to the clerk of said board, under oath; showing, first, the amount of money and on what account collected by him; secondly, the taxes on personal and real estate specifically, as in the warrant, and making separate returns of the personal and of the real estate upon which taxes remain unpaid.

Constable's duties

§ 16. The town constable, with his sureties, shall be liable for all taxes that, by use of due diligence, he might have collected, and shall fail so to do.

§ 17. It shall be the duty of the town clerk to file in the office of the county clerk of De Kalb county, a copy, certified under the corporate seal of the incorporation, of the return of the town constable, showing the real estate upon which taxes remain unpaid, at least five days before the first day of the next term of said court which shall be holden after the return of said warrant, and filing the same in his office, and shall cause a notice of an application to be made to

Tax sales.



said county court, for an order to sell the same for nonpayment of taxes and costs, and the time and place of such order to be published in the same manner as required by law for the sale of real estate for the nonpayment of state and county taxes; and the county court shall thereupon proceed to dispose of the matter in the manner and as is required by the law in such cases.

§ 18. The town constable shall make the sale under the order of the county court, provided for in the above section, and the clerk of the county court shall keep a record of such sale, file the same in his office, in a book to be provided for that purpose, issue certificates to the purchasers; and said officers shall, in all things in and about said sale, comply, as near as may be, with the provisions of the laws for the time being, directing sales of lands for the nonpayment of state and county taxes.

Redemptions.

§ 19. When any real estate in said town shall be sold, as is herein provided, for nonpayment of taxes, the same shall be subject to redemption by any person interested therein, within two years after the same shall have been sold, on paying to the clerk of the incorporation double the amount for which the same may have been sold, and all taxes assessed for corporation purposes, which may have been paid by the purchaser at such sale since such sale, with legal interest thereon, from the time of such payment to the time of such redemption; and thereupon the clerk of the county court shall make out to the person so redeeming a certificate, under his hand and the seal of the said court, specifying the lands redeemed, the time of redemption, the moneys paid, and by whom; which shall be *prima facie* evidence, in all courts whatsoever of the acts therein stated. The clerk shall pay such moneys to the treasurer of the town, taking and filing his receipt therefor, and the treasurer shall deposit the same in the town treasury, for the use of the purchaser at such sale, to be paid out to him or his assigns, on demand therefor and receipt given.

Tax titles.

§ 20. Taxes and all costs made thereon may be paid at any time to the town constable before the sale of the land for nonpayment thereof. In case any real estate sold under the provisions of this act shall be and remain unredeemed, as above provided, at the expiration of two years from the date of said sale, a deed shall be made out and signed by the president and countersigned by the clerk of the county court, under the seal of said court, and duly acknowledged by said officers, conveying the land to the purchaser or his assigns, or his or her heirs or assigns, upon proof of such notice to the owner of the land as is required by the constitution and laws of this state, of the sale of land for nonpayment of taxes.

§ 21. Lands situated in said corporation shall not be liable to be assessed for road taxes under the general laws of the state on that subject.

§ 22. Officers acting under this act of incorporation of the sale of lands for the nonpayment of taxes, and in all proceedings precedent and consequent to the order to sell the same, shall be entitled to the same fees as shall be allowed by law for similar services under the revenue laws of this state, and the same shall be a charge upon land, taxed and included in the order of the court directing such sale as is provided in said laws. Private property shall not be taken for the opening, widening or altering of any public street, lane, avenue or alley, unless upon petition, signed by thirty legal voters of said town, and notice given by publication in a newspaper, or by posting the same in four public places, of the time and place of the presentation thereof to the board of trustees, who shall proceed to hear and determine the matter at such time, or adjourn the matter to such time as by them shall be thought proper; such notice to be given at least ten days before the time of presentation of such petition.

Fees of officers.

§ 23. When it shall be necessary to take private property for opening, widening or altering any public street, lane, avenue or alley, the corporation shall make just compensation for damages to the person whose property is so taken; and if the amount of such compensation cannot be agreed upon, the board of trustees of said town shall select, by ballot, five commissioners, legal voters of said corporation, and not directly interested in the question, who shall proceed, having first been duly sworn, to make assessment of such damages fairly and according to law, to examine the premises, and hear all parties interested in the matter who may appear before them. They or a majority of them, shall make out their award in writing, and return the same to the board of trustees, under their hands and seals, with a certificate of the oath taken by them; and in case they, or any three of them, shall be unable to agree upon any award, they shall be discharged by the board and other commissioners in like manner selected in their place. They shall also assess upon the property in the town by them deemed benefited by the opening, widening or altering such street, avenue, lane or or alley, the damages by them assessed therefor, in ratable proportion, and report the same with their assessment; and the board of trustees shall issue their warrant for the collection of the same against the owners of the land so reported to be benefited, to the town constable, and the same is hereby declared to be a special tax and a lien on the land so reported to be benefited, and may be collected in the same manner as other corporation taxes are. An appeal may be taken from the award of damages, made by said commissioners, by the board of trustees or the owner of the property so taken, to the county court of DeKalb county, in the same manner and with the same effect as in case of appeal from a judgment of a justice of the peace;

Taking of private property.

Right of appeal.

the bond on such appeal to be filed with the county clerk. And the proceedings of the county court on such appeals shall be the same as in case of appeal from judgments of justices of the peace. Either party to such appeal shall have the right to have the same tried by a jury, who shall assess the amount of damages sustained by the owner of the property taken as aforesaid; and the county judge shall determine the amount of the costs to be paid, and may apportion the same between the parties, as he shall think just and proper. The amount of the damages assessed by the jury or the court on such appeal, shall be assessed by the board of trustees upon the property deemed and reported by the said commissioners to be benefited by the opening, widening or altering of such street, avenue, lane or alley, in ratable proportion, according to the valuation thereof, adopted by such commissioners; and the warrant of the board of trustees shall be issued by them for the collection of such damages, as in case no appeal had been taken.

§ 24. Should the owner of any land upon which any special tax be assessed under this act, be unknown, he may be so described in all proceedings to assess and collect the same.

Damages.

§ 25. In ascertaining the amount of compensation for damages to be allowed to the owner for his property taken for opening, widening or altering any street, lane, avenue or alley, the commissioners' court or jury shall take into consideration the benefit as well as the injury happening by such opening, widening or altering such street, lane, avenue or alley, and if the benefits exceed the injury shall so report or find.

§ 26. The board of trustees may, for good cause shown, and application filed in the office of the board, within ten days after the return of the commissioners appointed under this act, open and set the same aside, and cause another assessment to be made by the same or other commissioners.

Special tax.

§ 27. The board of trustees shall have power to provide, by ordinance, for the assessing, levying and collecting a special tax on the owners of lots in any street, lane or alley, avenue or part or parts thereof, according to the respective fronts owned by them thereon, for the purpose of paving, grading, planking and making, in such manner as the board shall direct, sidewalks and crosswalks, in such street, lane, avenue or alley, or part or parts thereof; which tax is hereby declared to be a lien on the land in reference to which it is assessed, until paid, and to be a special tax, to be collected as other corporation taxes are.

Sidewalk repairs.

§ 28. The owners of lots shall be allowed a reasonable time, to be ascertained by ordinance, within which to make or repair such sidewalk or crosswalk, under the direction of the board of trustees, in front of the lots owned by them; and in case of failure to make or repair the same, within



such time, the board of trustees are authorized to cause such making or repairing to be done, and assess and collect the necessary expense thereof, in manner herein provided.

§ 29. All special taxes remaining unpaid, shall be returned by the town constable, in manner hereinbefore stated, as to general taxes, and shall be annually reported to the county court, at the same time; and in all respects, the proceedings to procure a sale of the land for nonpayment thereof, shall be conducted in the same manner that is herein provided to procure a sale of real estate for general taxes remaining unpaid, and subject to sale and redemption in the same manner.

§ 30. The inhabitants of the said corporation are hereby exempted from working poll tax for road labor, and for all highway and road taxes whatever, otherwise than under the provisions of this act. The board of trustees, to aid them in keeping bridges, streets, lanes, avenues and alleys in repair, in said town, shall have power to require every male inhabitant residing within the limits of said corporation, over twenty-one years of age, and not incapacitated by sickness or other infirmity, from manual labor, to labor on said streets, bridges, lanes, avenues or alleys, not exceeding three days in each and every year; and any person failing to perform such labor according to the ordinances of the town in that behalf from time to time enacted, shall forfeit and pay such fine as the board of trustees shall direct: *Provided*, that the board of trustees may provide for the commutation of such labor.

§ 31. The board of trustees shall have exclusive jurisdiction and control over all bridges, streets, avenues, lanes and alleys and public highways at and within the incorporation, and the opening, repairing and making the same; but whenever it shall be necessary to build or repair the bridge across the Kishwaukee river, on Depot street, the board of supervisors of the county of De Kalb shall have power to make such appropriations of money from the county treasury as they may deem proper, to build or repair the same.

§ 32. The board of trustees shall have power to provide for the punishment of offenders, by imprisonment in the county or town jail, in all cases where such offenders shall fail or refuse to pay any fine or forfeiture recovered against them for breach of any ordinance of the town: *Provided*, such imprisonment shall not be of a longer duration than twenty-four hours for every three dollars of such fine and costs.

§ 33. Justices of the peace of the county of De Kalb residing within the limits of said corporation, shall have jurisdiction of all suits and process brought and issued for the recovery of any fine or to enforce any penalty for breach of any ordinance of said corporation; and consta-

bles of said county, residing within the limits of said corporation, shall have power and authority to serve and execute all process issued in any such suits to be brought and judgment rendered therein, and the same collected and enforced in the same manner as is provided by the laws of this state in similar cases, the right of trial by jury to either party demanding the same.

§ 34. No fine for the breach of any ordinance of the said town shall exceed one hundred dollars, nor imprisonment for like offense twenty days.

Recovery of fines,  
&c.

§ 35. All actions for fines, penalties and forfeitures accruing for the breach of any ordinance of said town shall be instituted and prosecuted in the name of "The President and Board of Trustees of the Town of De Kalb," upon complaint of any person before any justice of the peace residing in said town, by action of debt. The ordinary process shall be by summons; but in cases where the party complaining shall state, under oath, that he has good reason to believe the party accused to have committed a breach of an ordinance of the corporation, and that the party accused is about to abscond or depart without the limits of the county, or has so departed or absconded, then the justice of the peace may issue his warrant to bring the party accused forthwith before him, to answer such complaint; and in that case the party accused shall remain in the custody of the officer until the suit is disposed of, and the fine and costs, if any, imposed on him be paid, or otherwise discharged, according to law, unless he shall enter into a recognizance, with good security, before final judgment in the case before the justice of the peace, to the corporation, in double the amount of the penalty that may be inflicted upon him in the suit, conditioned that he will pay the judgment and costs that may be rendered against him therein; and, in default of such bail, the officer may commit the party accused to the common jail of the county, for safe keeping, while the cause is not being tried. The justice of the peace shall grant but one continuance, on the application of the plaintiff in the suit, in cases where the accused is under arrest. The recognizance shall be filed in the office of the justice, and in [case] of forfeiture shall be transmitted by him to the clerk of the board of trustees.

Appeals.

§ 36. Appeals and writs of *certiorari* shall be allowed in all cases, both on the part of the corporation and the defendant, in all suits brought to recover any fine, penalty or forfeiture for the breach of any ordinance of said town, from the judgment of a justice of the peace to the circuit court of De Kalb county, to be taken and granted in the same manner and with like effect as appeals and writs of *certiorari* from judgments of justices of the peace in other cases.

§ 37. The town constables shall have the same general jurisdiction and authority, within the county of De Kalb, that other constables of said county have, and shall be subject to the same liabilities, and shall have exclusive authority to collect all general and special taxes levied by said corporation.

Town constables.

§ 38. No money shall be paid out of the treasury of the said corporation, save upon resolution of the board of trustees, specifying to whom and upon what account the same is paid out, on order made by the clerk, signed by the president, and countersigned by the clerk, drawn in pursuance of such resolution. All taxes of said town shall be collected in gold and silver, or the notes of Illinois stock secured banks, as the trustees may direct; and the orders on the treasurer aforesaid, and all moneys belonging to the town, shall be deposited and remain with the treasurer until drawn out in the manner above provided.

Disbursement of money.

§ 39. The board of trustees, annually, at least two weeks prior to any general election for officers under this act, shall make out and enter upon their records a full and complete statement of the fiscal affairs of the corporation, showing, item by item, all moneys received, from whom, and on what account; also, all moneys expended and paid out, and to whom and on what account; and the then indebtedness of the corporation, and on what account; the amount of orders on the treasury then outstanding, to whom payable, and on what account; a copy of which shall be published in a newspaper in said town, at least one week prior to said election, or, if none be published, then posted up in some public place one week prior to such election. And for willful neglect or for refusal on the part of said trustees or any member thereof, to cause such statement to be made, as herein provided, he or they shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be fined in a sum not exceeding one hundred dollars.

Annual statements

state-

§ 40. All persons, members of any fire company organized under the ordinances of said corporation, shall, during the time of such membership, be excused from serving in the militia, unless in cases of actual invasion or insurrection, and from sitting on juries, and, after serving seven years as such fireman, consecutively, and receiving a certificate to that effect, under the seal of the corporation, shall thereafter continue to be so exempt. No person shall be disqualified as a witness or juror in any suit or proceeding wherein the corporation may be a party or interested, in consequence of being an inhabitant of said town, or a member or officer of said corporation.

Exemption from certain duties.

§ 41. The first election of trustees shall be held at the Eagle Hotel, in De Kalb, and shall be opened at nine o'clock in the morning, and continue open until five o'clock in the afternoon of the day. The electors present at the

Election of trustees.



opening of the polls shall elect two of their number to officiate as judges, and one to act as clerk, who shall be sworn, and in all things shall conduct such election as is required by the general election laws of this state; shall canvass the votes and make certificates, under their hands and seals, of the persons elected, and deliver the same to them, and make returns of the poll book, and certificate attached, to the clerk of the board of trustees, when he shall be appointed and enter upon the duties of his office.

§ 42. The president of the board of trustees shall be *ex officio* a member of the board of supervisors of De Kalb county, and shall have the same power as any other supervisor, and shall be entitled to the same compensation for the same services as other supervisors.

Town clerk.

§ 43. The title, "town clerk," when used in this act, shall be held to mean, in all cases, the "clerk of the board of trustees;" and it is hereby provided that the present existing board of trustees, who were elected under and by virtue of the general incorporation act, shall be and are hereby declared to be trustees under and by virtue of this act, and to hold their office until their successors are elected and qualified, and that they shall have the powers and be subject to all the restrictions contained in this act, the same as if they had been duly elected under this act, and all acts done by the present board of trustees, or any other board that has preceded them, are hereby declared legal.

Vacancies.

§ 44. In case of vacancy by leaving the state, or otherwise, or failure to perform duties by the constable and collector of said town, it shall be the duty of the board of trustees, and they are hereby authorized, to declare said office vacant, and to fill the same by appointment until the next election; and the successor so appointed shall exercise all the powers and be subject to all the duties of the collector whose place he may be appointed to fill.

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

APPROVED February 21, 1861.

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In force February 22, 1861. AN ACT to amend an act entitled "An act to incorporate the Town of Dunleith," and for other purposes.

Boundaries.

[SECTION 1.] *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That the second section of the act to which this is an amendment be so amended as to make the limits and boundaries of the town of Dunleith as follows: To include the northwest quarter of section twenty-nine, the southwest quarter of section twenty, the southeast quarter of fractional section*

nineteen, and the northeast quarter of fractional section thirty, in township number twenty-nine north, of range two west of the fourth principal meridian.

§ 2. That the following blocks and lots, to wit: Blocks numbered from thirty to sixty-two, both inclusive; blocks eighty-six, eighty-seven, ninety-six, ninety-seven, ninety-eight, ninety-nine and one hundred; blocks numbered from one hundred and fifteen to one hundred and thirty-six, both inclusive; block number one hundred and forty-one, and lots thirty-eight and thirty-nine, in block one hundred and thirteen, and the streets and alleys running through the same, in the town of Dunleith, in the county of Jo Daviess, and state of Illinois, be and the same are hereby vacated; and the right and title thereto shall revert to the original proprietors of said town, except the title to lots which may have been sold—the title of such lots to vest in the purchasers or their grantees; and taxes shall be assessed on said ground, hereby vacated, by the acre, as other lands, and not as town lots.

Vacation of  
blocks.

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

APPROVED February 22, 1861.

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AN ACT to incorporate the Town of Effingham.

In force February  
20, 1861.

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 Effingham, in the county of Effingham, and the state of Illinois, are hereby constituted a body politic and corporate, by the name and style of "The President and Trustees of the Town of Effingham;" and, by that name and style, have perpetual succession; and have and use a common seal, which they may change and alter at pleasure, and in whom the government of the corporation shall be vested and by whom its affairs shall be managed.

Corporate name.

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

Corporate power

§ 3. That all those tracts of land embraced within the following boundaries, to-wit: Beginning at the center of

Town limits.

section twenty-nine; thence, east, to the center of section twenty-eight; thence, north, to the center of section twenty-one; thence, west, to the center of section twenty-three; thence, south, eighty rods; thence, west, forty rods; thence, south, eighty rods; thence, east, forty rods; thence, south, to the place of beginning, in township eight north, of range six east, be and the same is hereby declared to be within the limits or boundaries of the said town of Effingham.

Election of trustees.

§ 4. On the Monday before the first Tuesday in April, of each year, the inhabitants of said town shall elect four (4) trustees and one (1) president of the board of trustees, one clerk of said board, and one treasurer, and one justice of the peace, to be styled the "Police Justice," and one constable, who shall hold their offices for one year and until their successors are elected and qualified, except the justice of the peace and constable, who shall, after the next quadrennial election of justices of the peace, hold their offices for four years; which said justice of the peace and constable shall qualify in the same manner and have the same jurisdiction and be subject to the same liabilities as other justices of the peace and constables.

§ 5. The president of the board of trustees of said town shall be, *ex officio*, a member of the board of supervisors of the said Effingham county, and shall have the same powers as any other supervisor of said county or member of said board, and receive the same compensation for the same services.

Judges of election.

§ 6. John J. Funkhouser, Benjamin F. Kaysey and John Trapp, or any two of them, shall be judges of the first election under this act; after which, the president of the board of trustees, the clerk and treasurer of said board shall be judges of the election. Said election to be conducted in accordance with the election laws of this state. Ten days' notice of the time and place of holding any election of trustees shall be given by the judges of the election, by advertisement, in any weekly newspaper published in said town, or by posting notices in three of the most public places in said town.

President of the board.

§ 7. No person shall be elected president of the board of trustees, or trustee of said town, who shall not have been for one year previous to such election a resident and *bona fide* freeholder within the corporate limits of said town, and at all such elections who shall be qualified to vote for state and county officers, and shall have a residence within the limits of said corporation for three months previous to said election, not being there for the purpose of education or other temporary object, may enjoy the right of an election.

Quorum.

§ 8. The trustees shall be judges of elections, qualifications and returns of the president and of their own members and of the clerk and treasurer. A majority of the trustees shall constitute a quorum to do business, but a smaller num-



ber may adjourn, from day to day, and compel the attendance of absent members, in such manner and under such penalties as they may provide, and punish the members for disorderly conduct, and, by a vote of three-fourths of the whole number elected, expel a member, and make other such rules and regulations for their government as to them may seem proper and expedient, and shall have power to fill any vacancies in the board of trustees, president, clerk or treasurer, occasioned by death, resignation, removal or continued absence from the town for three months: *Provided*, they shall not appoint any one of their number to any such office, and the president shall in no case be entitled to a vote, except in case of a tie.

§ 9. The president and trustees shall have power:

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

*Second*: To open, alter, vacate, widen, extend, establish, grade, pave or otherwise improve any street, avenue, lane, alley or public road, within the limits of said town.

*Third*: To make, construct, improve and keep in repair sidewalks or pavements, in front of any lot or lots adjacent to any street or streets in said town, and to levy and collect a tax, from time to time, upon the lot or lots in front of which sidewalks or pavements are or shall be ordered or proposed to be made, constructed or kept in repair: *Provided*, that such tax shall be on such lots proportionate to the length of their respective fronts; and, until such president and trustees shall provide by ordinance for the levying and collecting said tax, they shall enter upon the records of the corporation, whenever they shall desire to collect such tax, a resolution, that such tax shall be levied and the number of the lot or lots upon which the tax is proposed to be levied and the amount upon each lot, and a certified copy of such resolution shall be filed in the office of the clerk of the county court; it shall then be collected in the manner provided in the ninth section of an act entitled "An act to incorporate cities and towns," approved February 10th, 1849, for the collection of corporate taxes. Sidewalks.

*Fourth*: To levy and collect taxes upon all property, both real and personal, within the limits of said corporation, not exceeding one-half per cent. per annum, upon the assessed value thereof, and may enforce the payment thereof, in any manner, to be prescribed by ordinance, not repugnant to the constitution of the United States and of this state; but until they provide, by ordinance, for enforcing the payment Assessment and collection of taxes.

thereof, the said property shall be assessed and the tax collected in the manner provided by the ninth section of the act aforesaid; and the clerk of the board shall certify to the county clerk, previous to the annual meeting of the board of supervisors, the rate of all taxes levied by said board.

Restraining of  
stock.

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

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

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

Pound and pound  
master.

*Eighth:* To establish and maintain a public pound, and to appoint a pound master and prescribe his duties.

Gaming.

*Ninth:* To prohibit and restrain all description of gambling and fraudulent device, and suppress and prohibit billiard tables, ball alleys and other gaming establishments: *Provided*, they may have power to license billiard tables, ball alleys or other places of exercise and amusement.

*Tenth:* To suppress and prohibit disorderly houses, groceries or houses of ill fame.

Licenses.

*Eleventh:* To license, suppress and prohibit all exhibitions of common showmen, shows of every kind, caravans, circuses, exhibitions and amusements, and auctions.

*Twelfth:* To prevent, prohibit and suppress any riot, affray, disturbance or disorderly assemblage, assaults, assaults and battery, or shooting, within limits of said town.

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

Nuisance.

*Fourteenth:* To abate and remove nuisances and to punish the authors thereof, and define and declare what shall be deemed nuisances in said town, or for any distance, not exceeding two miles, from the limits thereof, and authorize and direct the temporary abatement of the same.

*Fifteenth:* To regulate the storage of gunpowder and other combustible material.

*Sixteenth:* To provide for the prevention and extinguishment of fires and to organize and establish fire companies.

*Seventeenth:* To provide the town with water, for the extinguishment of fires and for the convenience of the inhabitants.

*Eighteenth:* To provide for inclosing, improving and regulating all public grounds and other grounds belonging to said town.

*Nineteenth:* To provide for the erection of all needful buildings, for the use of said town.

*Twentieth:* To make all necessary regulations to secure the general health of the inhabitants thereof. Health regulations.

*Twenty-first:* To license, regulate, prohibit and suppress the selling, bartering or exchanging and traffic of any wine, rum, gin, brandy, whisky, ale or strong beer, or other intoxicating liquors, within the limits of said town, and to prevent the giving away of the same, by any trader, dealer, shop or tavern keeper, to be used as a beverage. Sale of liquor.

*Twenty-second:* To appropriate and provide for the payment of any debt or expenses of the town, and to fix the compensation of their officers.

*Twenty-third:* And to make all ordinances which shall be necessary and proper to carry into execution the power specified in this act, or which they may deem necessary or expedient for the better regulation of the internal police of said town, and to execute the same; and to impose fines, forfeitures and penalties for the breach of any ordinance or any of the provisions of this act, and to provide for the recovery and appropriation of such fines and forfeitures, and the enforcement of such penalties: *Provided*, that in no case, in assaults, assaults and batteries, riots and affrays, shall any such fine or penalty exceed the sum of twenty-five dollars for any one offense. Recovery of fines.

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

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

§ 12. Any fine, forfeiture or penalty incurred under this act or any by-law or ordinance made in pursuance of this act or any act that may be passed amendatory to this act, may be recovered, together with costs, before any justice of the peace of the proper county, in the name of the Publication of ordinances.

Fines and penalties.



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

Imprisonment in  
county jail.

Security for costs.

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

Disposition of moneys  
collected  
by fines.

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

§ 15. The inhabitants of said town are hereby exempted from working on any road beyond the limits of said cor-

poration, and from paying any tax on any property within its limits to procure laborers to work on any such roads.

§ 16. *Be it further enacted*, That this act shall not take effect and be in force until after the same shall have first been submitted to a vote of the legal voters residing within the limits of said corporation, as described in section three (3) of this act, and decided in favor of the acceptance of this act of incorporation, by a majority of the voters voting at such election voting in favor thereof. Said election to be held on the second Saturday of March, A. D. 1861; and the aforesaid John J. Funkhouser, Benjamin K. Kaysey and John Trapp shall be judges of the said election, who shall be governed, in all respects, according to the election laws in this state, in conducting and canvassing the votes in said election. They shall give ten days' public notice of the time and place of holding said election, by publishing a weekly notice in any newspaper published in said town, or by posting up notices in three of the most public places in said town.

Vote upon incorporation.

§ 17. 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.

APPROVED February 20, 1861.

AN ACT to amend an act entitled "An act to incorporate the Town of Elizabethtown, in Hardin County." In force February 20, 1861.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That section eight of said act be so amended as to authorize the president and board of trustees of Elizabethtown to make and pass ordinances for the punishment of assaults, assaults and battery, riots, routs and unlawful assemblies, committed by any person or persons within the corporate limits of said town, and to fix the fine, to be not less than five dollars nor to exceed one hundred dollars, and imprisonment, not to exceed forty-eight hours.

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

APPROVED February 20, 1861.

AN ACT to amend an act entitled "An act to incorporate the town of Eureka." In force February 20, 1861.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*; That section five (5) of the act entitled "An act to incorporate the town

Election of justice  
of the peace and  
town constable.

of Eureka, in the county of Woodford," approved February twenty-third, eighteen hundred and fifty-nine, be so amended that at the next town election, held in and for said town, after the passage of this act, and forever thereafter, once in every four years, at said election for corporate officers, there shall be elected a justice of the peace and constable, who shall have all the powers and jurisdiction of other justices of the peace and constables in said county, who shall give bond and be commissioned and qualified in the same manner as other justices and constables in said county, and shall hold their terms of office for the period of four years and until the election and qualification of their successors.

§ 2. This act shall take effect from and after its passage.  
APPROVED February 20, 1861.

In force February  
22, 1861.

#### AN ACT to incorporate the town of Elk Hart City.

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 Elk Hart City, in the county of Logan, be and they are hereby created a body politic and corporate, by the name and style of "The President and Board of Trustees of the Town of Elk Hart City;" and, by that name shall be known in law, and have perpetual succession; may sue and be sued, plead and be impleaded, in all courts of law and equity, and in all actions, suits and matters whatsoever; and may have and use a corporate seal, and alter the same at pleasure; and may do all other acts as natural persons, which may be necessary to carry out the powers hereby granted.

Name of town.

Boundaries of  
town.

§ 2. The boundaries of said town shall include within its limits the following described tracts of land, to wit: Beginning at the southwest corner of section seven, in township number eighteen north, range three west of the third principal meridian; thence, west, on the section line between sections twelve and thirteen, in township number eighteen north, range four west of the third principal meridian, one-half of one mile; thence, north, one-half of one mile; thence, east, one mile; thence, south, one mile; thence, west, one mile; thence, north, one-half of one mile; together with all such additions to the town of Elk Hart City as are now and may hereafter be laid out and recorded as town lots; all of said tracts of land being in the county of Logan, and state of Illinois.

President and  
trustees.

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



ed by the qualified voters of said corporation, as hereinafter directed, and shall hold their offices for one year and until their successors are elected and qualified. They shall receive no compensation for their services, except that they shall be exempt from road labor during the time they are in office.

§ 4. There shall be one town constable, one town treasurer, who shall be, *ex officio*, assessor, one street commissioner, and one town clerk, who shall be chosen by the board of trustees at their first regular meeting after they are elected and qualified, or at as early a day thereafter as may be practicable, who shall hold their offices for one year or until their successors shall be elected and qualified, unless removed for good cause by said board of trustees: *Provided*, that the town constable and treasurer may be elected by the legal voters of said corporation, if thought best by the board. The said officers shall receive such compensation for their services as the board may allow, except the constable, who shall be allowed the same as other constables.

Officers of the town.

§ 5. No person shall be entitled to vote or hold office under this act who shall not be a citizen of the United States, who shall not be twenty-one years of age, and shall not have resided in said corporation at least thirty days, and shall not have resided in this state twelve months preceding the time of the election.

Qualification of voters.

§ 6. The treasurer, clerk and street commissioner shall, at the first regular meeting of the board of trustees, after their election, or sooner, respectively, give bond, with one or more securities, to be approved by the board, in the penalty of at least five hundred dollars, conditioned for the faithful discharge of their duties, respectively; and the constable shall give bond in the amount and with the security required by law in case of other constables, to be approved by said board.

Bonds of town officers.

§ 7. It shall be the duty of the town clerk to give notice of all regular and special elections, by posting up notices in three public places in the town, specifying the time and place of holding the same, at least ten days previous thereto.

Notice of election.

§ 8. The board of trustees shall be judges of the qualification, returns and election of their own members. Of all the other officers; they shall have power to fill all vacancies in the board, occasioned by death, resignation or three months' continued absence of any member thereof. A majority of the board shall constitute a quorum to do business, but a smaller number may adjourn, from day to day, may compel the attendance of absent members, and, under such penalties as the board may provide. They may determine their rules of proceeding, and may make such other rules and regulations, for their government, as they may deem

Vacancies in the board.

expedient. The president shall not vote except in case of a tie, in which case he shall give the casting vote.

Election, board  
and clerks.

§ 9. The five trustees shall constitute a board of election, two of whom shall act as clerks, and who shall open the poll books at nine o'clock in the forenoon and keep the same open until four in the afternoon. Before entering upon the duties of judges and clerks of election, they shall be sworn to discharge faithfully their duties as such officers, which oaths may be administered by the president of the board, any acting justice of the peace in said county, or by one of their number who has already been sworn as such officer of election. Said election shall be by ballot, and shall be conducted as other elections for county and state officers, except as herein provided. After the polls are closed the vote shall be counted, and the books, with proper certificate and ballots, shall be sealed up and kept by one of the board, and and not opened until the next regular meeting of the board, when any person may have the right to contest the election of any officer who claims to be elected, but not afterwards. The board shall have power to determine the merits of the contest for said office.

Justice of the  
peace.

§ 10. There shall be elected at the first regular election of corporation officers, and every two years thereafter, a justice of the peace, who shall hold his office in said corporation, and shall have all the power and jurisdiction of other justices of the peace; who shall give bond, be commissioned and qualified, in the same manner as other justices. At the election at which said justice is to be chosen, the officers of election, as judges and clerks, shall make out and forward to the county clerk of Logan county returns of the same exactly as in the election of other justices of the peace. Said justice shall have exclusive jurisdiction over all suits growing out of the violations of any of the ordinances of said corporation, except in case of his absence or inability to serve, when the next nearest justice in the county shall have power to act. The said justice of the peace shall, also, have concurrent jurisdiction with other justices of the peace in Logan county, and be subject to all provisions of law relative to other justices of the peace.

Official oath.

§ 11. The president, trustees, and all other officers of this corporation, before entering upon the duties of their offices, shall take an oath, before some justice of the peace, to support the constitution of the United States and of this state, faithfully and impartially to discharge the duties of their several offices.

Miscellaneous  
provisions, tax-  
es, &c.

§ 12. The board of trustees shall have power to levy and collect taxes for general purposes, annually, upon all real and personal estate, within the limits of said corporation, not exceeding fifty cents on each hundred dollars upon the assessed value; to make general regulations to secure the general health of the inhabitants; to prevent and remove

nuisances; to restrain stock of all kinds of running at large; to erect and keep in repair bridges; to restrain, prohibit, license and regulate auctions, shows, exhibitions and other performances, for the admittance to which money is charged; to regulate, restrain and entirely prohibit the sale or having in possession for sale of any vinous, spirituous or malt liquors, or of any fermented liquors, lager beer, cider or any intoxicating drink, and to impose penalties and forfeitures therefor; to prohibit the keeping any gaming house or house of ill-fame; to prevent the discharge of firearms or fireworks within the corporation; to establish, erect and keep in repair markets; to open and keep in repair streets, avenues, lanes and alleys, drains, sewers, sidewalks, crosswalks, and to plank, grade, or macadamize any street, alley, avenue or lane in said town; to establish a fire department, and to prevent and extinguish fires; to dig wells and erect pumps in the streets for public convenience; to regulate the storage of gunpowder and other combustible materials; and to make, from time to time, such ordinances and regulations that they shall make, ordain or establish; and to provide for the collection of such penalties and the enforcement of such ordinances as they shall deem best.

§ 13. Appeals and changes of venue may be taken and writs of *certiorari* allowed from decisions of the justice of the peace, in any matter growing out of a violation of any of the town ordinances of said corporation, the same as in other cases before a justice of the peace. Changes of venue,  
&c.

§ 14. The treasurer shall, on the first Monday in the month of September, of each year, commence his duties as assessor; and shall have power to proceed, in every respect, as county assessors, and shall, within forty days, make out a full assessment of all the real and personal property in said corporation, and shall furnish the same to the board of trustees, who shall, within ten days, proceed to levy the tax. Assessment.  
The clerk shall, within five days, give notice of the rate of taxes levied; and the books shall then remain in his hands until the twenty-fifth day of November, subject to inspection; and, during which time, any person feeling aggrieved by the assessment may go before the board, and his complaint shall be heard; and if it shall appear to the trustees that any property has been too high a rate they shall have power to modify or reduce the same. Unfair assess-  
ment.  
The clerk shall, after the twenty-fifth day of November, proceed to compute the taxes on the property assessed, at the fixed rate, and make out a correct copy of the assessor's book, with such alterations as have been made by the board, if any, extend the taxes due thereon, and certify the same and fix the corporate seal thereto, and place the same in the hands of the collector of Logan county, within ten days, who is empowered and required to proceed to collect the same and pay over the same to the president and trustees of said copora-



tion the same within three months from the time of receiving such copy of the assessor's book: *Provided*, that if at the expiration of that time any portion thereof shall remain unpaid the said collector shall proceed, as in the collection of county and state taxes, to enforce the collection thereof, and may obtain judgment and sell lands for taxes in arrear, as in other cases; for all which he shall be allowed the same commissions and costs as for the collection of other taxes.

Borrowing of money.

§ 15. The board of trustees shall have power to borrow money, on the credit of the town: *Provided*, that the amount of borrowed money and the indebtedness of said corporation, on the account of money loaned, shall at no time exceed one thousand dollars, and at rate of interest not to exceed ten per cent.

§ 16. No loan of borrowed money, on account of said corporation, shall at any time be made to exceed two hundred dollars, in all, until authorized by a majority of the legal voters of said corporation, to be determined by ballot, for which at least ten days' notice shall be given in the same manner as other elections.

Posting of ordinances.

§ 17. Copies of all ordinances passed by the board of trustees shall be posted up in three of the most public places in the town; and every ordinance shall take effect five days after such publication, unless otherwise provided in the ordinances. It shall be the duty of the clerk to post notices of ordinances, when required by this act to be posted, and to cause a copy of all such ordinances to be spread on the records of the town, and to append his certificate thereto, setting forth the time and places and manner of such publication; the production of which certificate, or a certified copy thereof, shall be *prima facie* evidence of the facts therein stated, in reference to such publication, in all courts and places whatsoever.

Time of elections.

§ 18. The time for holding the first general election for officers of said corporation shall be on the first Tuesday in April next, and regularly thereafter, on the first Tuesday of April, of each year: *Provided*, that if said elections, or any of them, should not be held at the time specified, it shall be lawful to hold the same at any subsequent day, as early as practicable, by due notice being given, as herein provided, by the clerk or by at least five voters of the town.

§ 19. The first regular election for president and trustees shall take place on the day and time of day herein before provided for, at such place in the town of Elk Hart City as shall be selected by a majority of the legal voters present; and said legal voters shall have power to choose two of their number to act as judges, who shall elect a clerk, and who shall proceed to be sworn, as herein required, and shall conduct said election as required by this act, shall canvass the votes and make certificates, under their hands and

seals, of the persons elected, and deliver the same to them, and make such other returns as are required by this act, to the county clerk of Logan county or the board of trustees, at their first annual meeting, as the case may require.

§ 20. The regular time of meeting of the board of trustees shall be fixed by them at their first meeting, and the same shall be entered upon the records of the town, and published as other ordinances. Meetings of board of trustees.

§ 21. The board of trustees shall have power to provide for the punishment of persons who may be guilty of affrays, assaults and batteries, quarrels and other offenses against the peace and good order of the town, and shall have the right to recover penalties therefor, to the same amount, and in the same manner as provided by the statutes of this state in the same kind of cases: *Provided*, that in such cases the justice of the peace may issue his writ on the making of the proper complaint, and the offending party or parties shall be brought forthwith to trial; such suits to be commenced in the name of "The President and Board of Trustees of the Town of Elk Hart City;" and in said writ shall be designated the chapter and section of the ordinance against which the said party or parties have offended. Punishment of persons violating ordinances.

§ 22. All actions for fines, penalties or forfeitures, accruing for breach of any ordinance of said town, shall be instituted and prosecuted in the name of "The President and Board of Trustees of the town of Elk Hart City," upon complaint of any person, before the justice of the peace of said town, by action of debt. The ordinary process shall be by summons, except in such cases as are provided for in the foregoing sections, and in cases where the party complaining shall state, under oath, that he has good reason to believe the party accused to have committed a breach of an ordinance of the corporation, and, that he believes the party accused is about to abscond or depart without the limits of the corporation, or has so absconded or departed, then the justice of the peace may issue his warrant, returnable forthwith. The party accused, in all such cases, shall remain in the custody of the officer until such suit is disposed of, and the fine and costs, if any imposed upon him, paid or otherwise discharged, according to law, unless he shall enter into recognizance, with good security, before final judgment in the cause before the justice of the peace, in double the amount of the penalty that may be inflicted upon him, conditioned that he will pay the judgment and costs that may be rendered against him, and, in default of such bail, the officer may commit the party accused to the common jail of the county until the case shall be heard. The justice of the peace shall grant but one continuance in favor of the plaintiff, where the adverse party is under arrest. The recognizance shall be filed in the office of the Recovery of fine, &c.

justice of the peace, and, in case of forfeiture, shall be transmitted by him to the clerk of the board of trustees.

Jurisdiction of the  
constable and  
justice of the  
peace.

§ 23. The town constable and town justice of the peace shall have the same general jurisdiction and authority, within the county of Logan, that constables and justices of the peace have under the general laws of the state, and shall be subject to the same liabilities; and constables shall have exclusive authority to serve all writs wherein the ordinances of the town have been violated, except in cases of his absence or inability to serve, when any other constable in said town may act; and said justices of the peace may appoint special constables, as is now provided by law in the case of other justices of the peace.

Town attorney.

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

Imprisonment of  
offenders.

§ 25. The board of trustees shall have power to provide for the punishment of offenders, by imprisonment in the county jail, in cases where such offenders shall fail or refuse to pay any fine or forfeiture recovered against them for the breach of any ordinance of the town: *Provided*, that such imprisonment shall not be of longer duration than at the rate of twenty-four hours' imprisonment for every two dollars of the fine and costs.

§ 26. No fine for the breach of any ordinances shall exceed one hundred dollars, nor imprisonment for like offense thirty days.

Road tax.

§ 27. The inhabitants of said town shall be exempt from working on any road beyond the limits of said corporation and from paying taxes to procure laborers to work upon the same. The board of trustees shall have power, for the purpose of keeping lanes, alleys and streets in repair, to require every able bodied male inhabitant of the town, except as herein provided, over the age of twenty-one, to labor on the same, not exceeding three days in each year; and persons neglecting or refusing to do so, after having been notified by the commissioners, shall forfeit and pay one dollar and twenty-five cents for every day he shall have been required to work and so neglected or refused to perform: *Provided*, that any person may be exempted from such labor, by paying to the street commissioner the sum of one dollar for each day he may be required to work, when called upon to perform the same.

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

APPROVED February 22, 1861.



## AN ACT to incorporate the Town of El Paso.

In force February  
22, 1861.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the inhabitants and residents of the town of El Paso, in the county of Woodford, are hereby constituted and declared a body corporate and politic, by the name and style of "The President and Trustees of the Town of El Paso," and by that name shall have perpetual succession; and may have and use a common seal; have power to sue and be sued, plead and be impleaded, in all courts and places where justice is administered, in all actions whatever; to purchase, receive and hold property, both real and personal, in said city; to purchase, receive and hold property, both real and personal, beyond the limits of said town, for burial grounds, and other public purposes; to sell, lease and convey property, real and personal, for the use of said town; to protect and improve any such property, as the public good may require.

Name and style.

§ 2. The boundaries of the said town shall be as defined by last ordinances of the board of trustees thereof; and the said ordinances are, in that respect, legalized and confirmed. And whenever any tract of land, adjoining said town, is laid off into town lots and recorded, the same shall be attached to and form a part of the same.

Boundaries.

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

Trustees.

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

Duties of the trustees.

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

Official oaths.

§ 6. The boundaries of said town, as herein defined, or as may be hereafter defined by ordinance, shall constitute a district for the election of one justice of the peace and one town constable, who shall be elected by the qualified voters

Justice of the  
peace and con-  
stable.

of said town, at the same time and place at which the trustees are elected; and the said justice of the peace shall give bond and qualify as other justices are required by law to do; and he shall be, *ex officio*, president of the board of trustees, shall have the right to give the casting vote in case of a tie, and shall possess the same qualifications as are required of a trustee by the third section of this act, and if he shall remove from said town his office shall be vacated.

Tie.

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

Election.

§ 8. On the first Monday in the month of April, A. D. 1859, and on the first Monday in April in each year thereafter, an election shall be held in said town for one justice of the peace, one town constable and four trustees as aforesaid, who shall hold their offices for one year, and until their successors are elected and qualified; which first election shall commence at ten o'clock in the forenoon, and close at four o'clock in the afternoon of said day; and any two of the present trustees shall be judges of said election, who shall appoint their own clerks, receive and canvass the votes, declare the result, furnish to each of the persons elected a certificate of his election, certify the votes for justice of the peace to the clerk of the county court, and lay the poll book of such election before the board at its first meeting. All subsequent elections shall be held and conducted and returns made as may be prescribed by ordinance.

Voters.

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

Taxes.

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

Assessment.

§ 11. If the president and trustees of said town shall determine to adopt the assessment made by the authority of the state and county, they shall give to the clerk or other officer whose duty it is by law to extend the tax by existing laws, notice of their intention so to do; which notice shall be a copy of their records, and also the rate of taxation; and upon the receipt of such notice the said tax shall be exten-

ded and collected, and its collection enforced, in the same manner as other revenue; the clerk and collector shall be allowed the same compensation for services under this act as are allowed them for similar services under the revenue laws of the state: *Provided*, that nothing contained in this act shall be so construed as to prevent the said corporation from providing for the assessment and collection of such taxes by ordinance.

§ 12. The said board shall have power to appoint such officers as may be judged necessary for carrying into effect the powers conferred upon said corporation by this act, and to require them to give such bonds, with such security, and take such oaths as may be judged necessary to insure a faithful performance of their respective duties; and shall have power to appropriate money, and provide for the payment of the debts and expenses of the town. Town officers.

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

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

To provide for the erection of all needful buildings, for the use of the town, and to provide for the inclosing, laying off, improving and regulating, all public grounds, squares and burial grounds belonging to the town. Public buildings.

To license, tax and regulate auctioneers, merchants, retailers, grocers, taverns, eating houses, peddlers, brokers and money changers, but not to license the sale of intoxicating drinks. License.

To license, tax and regulate theatrical and other exhibitions, shows and amusements. Shows.

To restrain, prohibit and suppress tippling houses, dram shops, gaming houses, bawdy houses and other disorderly houses. Disorderly houses

To provide for the prevention and extinguishment of fires, and organize and establish fire companies. Fires.

To regulate partition fences, and provide for the inspection and weighing of hay and stonecoal, and for the measurement of wood and fuel, to be used in said town.

To provide for taking the enumeration of the inhabitants of said town. Census.

To regulate the election of town officers, define their duties, and provide for the removal of any person holding an office under the ordinance.

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

To impose fines, penalties and forfeitures for the breach of any ordinance, and to provide for the recovery and



appropriation of such fines and forfeitures and the enforcement of such penalties.

Running at large  
of stock.

To prevent the incumbering of the streets, squares, lanes and alleys of said town; to protect shade trees; to compel persons to fasten horses, mules and other animals attached to vehicles, while standing upon any square, street, lane, alley or uninclosed lots; to prevent the running at large of horses, cattle, hogs, sheep or animals, and provide for distraining and impounding the same, and to provide for the sale of the same for any penalty incurred, and to impose penalties upon the owners of any such animals for the violation of any ordinance in relation thereto.

To prevent the running at large of dogs, and to provide for the destruction of the same when running at large contrary to ordinance.

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

Ordinances.

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

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

President.

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

§ 16. The said president shall be commissioned by the governor as and he shall have and exercise the same power and jurisdiction conferred upon other justices of the peace by the laws of this state, and shall have exclusive jurisdiction in all cases arising under the ordinances of the corporation, and shall receive the same fees and compensation allowed for similar services, under the laws of this state, to other justices of the peace; and for any willful and corrupt oppression, malconduct or partiality, or palpable omission of duty in his said office, may be indicted in the circuit court of Woodford county, or such other county as the said town of El Paso may hereafter be attached to in consequence of the formation of new counties, and, upon conviction, shall be fined in a sum not exceeding one hundred dollars; and the court shall have power, upon the recommendation of the jury, to make his removal from office a part of the judgment.

Justice of the  
peace.

§ 17. The president and trustees shall have power, by ordinance, to levy, assess and collect a special tax on the holders and owners of lots upon any street, square, lane or alley, or upon any part of any street, square, lane or alley, according to their respective fronts owned by them, for the purpose of grading, planking or paving such square, street, lane or alley, to be collected as other taxes are collected by the provisions of the tenth and eleventh sections of this act, or as may be provided by ordinance.

Special tax.

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

Road labor.

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

Penalties and  
punishments.

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

§ 21. All writs for the recovery of penalties for the breach of any ordinance of said town shall be in the form of an action of debt before the president of the board, or, in case of his absence or inability to act, before some other justice of the peace of said town; and changes of venue

Form of writs,  
&c.

Appeals.

and appeals shall be allowed in cases commenced before the said president of the board of trustees as in other cases before other justices of the peace: *Provided*, the said corporation shall be allowed to appeal in any case in which they are parties, by causing their secretary to execute a bond, in the name of said corporation, in the form now prescribed by law in other cases, without other security; and an order entered upon the records of said corporation, directing said appeal, shall be sufficient evidence of the authority of said secretary to sign the bond.

Constable.

§ 22. The town constable elected under the provisions of this act shall have power and authority to execute all process issued for the breach of any ordinance of said town, and for that purpose his power and authority shall extend over the county of Woodford, or such county as the town of El Paso shall hereafter be situated, in consequence of the formation of new counties, and shall have the same power, jurisdiction and authority, within the limits of said town, as other constables under the laws of this state, and shall give bond and qualify as the said board shall by ordinance prescribe.

Suits at law.

§ 23. All suits for fines and penalties 'in and [incurred] for the violation of any ordinance shall be in the name of "Town of El Paso;" and the said corporation shall have power to regulate, by ordinance, the form and nature of the first and of any subsequent process, and the mode of executing the same.

Common schools.

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

*And be it further enacted*, That all acts amendatory to the act incorporating the town of Carlinville, in Macoupin county, in this state, approved February ninth, A.D. 1853, be and the same are hereby applied with equal force and virtue to the town of El Paso.

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

APPROVED February 22, 1861.

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In force February 21, 1861. AN ACT to authorize the inhabitants of the Town of Galatia to incorporate under the general laws.

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 Galatia, in Saline county, may



become incorporated under the provisions of the general laws of this state providing for the incorporation of towns, notwithstanding their want of population.

§ 2. This act shall take effect from and after its passage.

APPROVED February 21, 1861.

AN ACT entitled an act to vacate the town plat of the Town of German- In force February  
town, in the county of La Salle. 22, 1861.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the town plat of the town of Germantown, in the county of La Salle, be and the same is, to all intents and purposes, hereby declared vacated.

APPROVED February 22, 1861.

AN ACT for the relief of the inhabitants of township ten south, of range In force February  
nine east, in Gallatin county. 21, 1861.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That there shall be paid out of the treasury of this state, from any money in the treasury not otherwise appropriated, to the trustees of schools of township ten south, of range nine east, for the use of the inhabitants of said township, the sum of fourteen hundred dollars, which amount shall be paid into the treasury of said township, and used and held as a township school fund.

§ 2. The said payment shall be in full satisfaction of the claim in favor of said township for the sixteenth section in the said township, which was sold by the state as saline lands.

APPROVED February 21, 1861.

AN ACT making an act entitled "An act incorporating the Town of Jersey- In force February  
ville," approved February 14th, A.D. 1855, applicable to the Town of Gran- 21, 1861.  
ville.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That all the rights, powers and privileges conferred upon the town of

Jerseyville by an act entitled "An act to incorporate the town of Jerseyville," approved February 14th, 1855, are hereby declared applicable to the incorporated town of Granville, in the county of Putnam.

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

APPROVED February 21, 1861.

In force March  
31, 1861.

AN ACT to establish the town of Hydepark, in Cook county.

Town limits.

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 Cook, and state of Illinois, embraced within the following limits, to-wit: All of fractional section two, all of fractional section eleven, all of fractional section twelve, the east half of section three, the east half of section ten, fractional section thirteen, section fourteen, the east half of section fifteen, the east half of section twenty-two, the whole of section twenty-three, fractional section twenty-four, sections twenty-five and twenty-six, the east half of section twenty-seven, the east half of section thirty-four, and the whole of sections thirty-five and thirty-six—all in township thirty-eight north, range fourteen, east of the third principal meridian: also, fractional sections nineteen, twenty-nine, thirty and thirty-two, and section thirty-one—all in township thirty-eight north, range fifteen east of the principal meridian, is hereby erected into and the same shall hereafter form and constitute a town, by the name of "Hydepark," with all the powers, privileges, rights and immunities of towns organized and existing under and by virtue of an act entitled "An act to provide for township organization," approved February 17th, 1851, and the several acts amendatory thereof, including those acts relating especially to the said county of Cook. The portions of territory or country, hereinbefore described, and which heretofore have formed a part of the town of Lake, in said county of Cook, are hereby separated from said town of Lake, and shall hereafter form no part of said town of Lake.

Corporate name  
and powers.

First town meet-  
ing.

§ 2. The clerk of the county court of said county of Cook is hereby authorized and directed to make out notices, designating a suitable place for holding the first town meeting in said town of Hydepark, and to cause the same to be posted up in not less than three of the most public places in said town of Hydepark, and not less than fifteen days before the first Tuesday of April next.

§ 3. On the first Tuesday of April next, a town meeting Election.  
shall be held in said town of Hydepark, for the election of all such officers as are provided to be elected by the laws of this state relating to township organization; which said officers shall hold their respective offices until the next regular annual election for town officers in the other towns of said county of Cook, as provided by law; after which the time of the election and the term of office of the town officers of the said town of Hydepark shall be the same as in the other towns of said county of Cook: *Provided, however,* that justices of the peace and constables shall hold their offices, respectively, for the term of four years, and until their successors shall be elected and qualified, as now provided by law.

§ 4. The supervisor, assessor, and collector of said town Board of trustees.  
of Hydepark, and their respective successors in office, are hereby constituted and declared to be, *ex officio*, a board of trustees for said town of Hydepark; which said board shall have power, from time to time,

*First.*—To cause any street, alley or highway to be paved, Improvement of  
macadamized or planked, and keep the same in repair. streets, &c.

*Second.*—To cause cross-walks and side-walks, main drains and sewers, private drains and aqueducts, to be constructed and laid, relaid, cleansed and repaired, and regulate the same.

*Third.*—To grade, improve, protect and ornament any public square, public ground or park, now laid out, or hereafter to be laid out in said town.

§ 5. The expenses of any improvement mentioned in Assessments.  
the foregoing section shall be assessed upon the real estate in said town of Hydepark, benefited thereby, with the costs of the proceedings therein, in proportion, as nearly as may be, to the benefits resulting thereto.

§ 6. The amount to be assessed for any such improvement shall be determined by the said board of trustees, and they shall, by ballot, appoint, by a majority of said board, three respectable freeholders of said town of Hydepark, to make such assessment. The commissioners thus appointed shall be sworn faithfully and impartially to execute their duty to the best of their ability.

§ 7. Before entering upon their duties the commissioners Mode of assessing  
shall give six days' notice, by posting up notices in three of the most public places, in said town of Hydepark, of the time and place of meeting, to all persons interested; and they may, if necessary, adjourn from day to day. The commissioners shall assess the amount directed by the said board of trustees to be assessed upon the real estate by them deemed benefited by any such improvement, in proportion to the benefit resulting thereto, as nearly as may be, and briefly describe in the assessment roll to be made by them the real estate in respect to which any assessment is made.



Assessments to be  
given to town  
clerk.

§ 8. When the commissioners shall have completed their assessment and made a corrected copy thereof, they shall deliver the same to the town clerk of said town of Hydepark, within forty days after their appointment, signed by all the commissioners. The town clerk shall, thereupon, cause notices to be posted up in three of the most public places of the said town of Hydepark, for the space of six days, to all persons interested, of the completion of the assessment, and the filing of the roll. Time and place shall be designated therein for hearing objections.

Appeals.

§ 9. Any person interested may appeal to said board of trustees for the correction of the assessment. Appeal shall be in writing, and filed in the town clerk's office within six days after the notices shall have been posted up, as provided in the foregoing section. The board of trustees may adjourn such hearing, from day to day, and shall have power, in case of appeal or otherwise, in their discretion, to revise and correct the assessment and confirm or amend the same, and direct a new assessment to be made, in the manner hereinbefore directed, by the same commissioners or by three others, which shall be final and conclusive on all parties interested, if confirmed. When confirmed the assessment shall be collected, as hereinafter provided, and no appeal or writ of error shall lie, in any case, from such order and determination. If any assessment be set aside, by order of any court, the board of trustees may cause a new one to be made, in like manner, for the same purpose, for the collecting of the amount so assessed.

Vacancies.

§ 10. 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 board of trustees may fill such vacancy.

§ 11. If the first assessment prove insufficient another may be made, in the same manner; or, if too large a sum shall, at any time, be raised, the excess shall be refunded, ratably, to those by whom it was paid.

Official oaths.

§ 12. Commissioners appointed under this act may be sworn into office by the town clerk; and said commissioners shall be allowed two dollars per day, each, for actual service, which, together with all other expenses in relation to any assessment made in pursuance of this act, shall be deemed part of the expenses of the improvement and included therein.

Tax warrant of  
county clerk.

§ 13. When the said assessment shall have been confirmed, as hereinbefore provided, it shall be the duty of the town clerk to file the same in the office of the clerk of the county court of said county of Cook; and it shall be the duty of the said clerk of the county court, in the warrant next thereafter to be issued for the collection of state and county taxes levied upon the real estate in said town of Hydepark, to set down, in a column for that purpose pro-

vided, opposite the several lots, pieces, or parcels of real estate upon which assessments have been made, for benefits, as hereinbefore provided, the amounts of said assessments, respectively; and it shall, thereupon be the duty of the collector of taxes for the state and county to collect the said assessments, and enforce the payment thereof, in the same manner and with all the rights, power and authority that he has to collect state and county taxes, and shall pay the same over to the officer entitled to receive the town tax, at the same time that he is required to pay over the county revenue; and the proper court of said county shall render judgment against and order the sale of any lot, piece or parcel of real estate, for the non-payment of the said assessment and costs, in the same manner as is or may be provided for state and county taxes; and judgment shall be rendered for the aggregate amount for county, state and other taxes, and the assessment aforesaid. The sale shall be conducted upon the same notice and judgment and in the same manner as is or may be provided by law for state and county taxes; the right of redemption shall exist and be exercised in the same manner, and deeds for property sold for any assessment levied under this act shall be executed by the same persons and shall have the same effect as evidence as deeds executed in pursuance of the laws now in force or hereafter to be enacted providing for the collection of state and county taxes in counties adopting the township organization. The collector shall receive the same compensation for the collection of said assessment as is allowed for the collection of the state and county revenue, to be paid out of the funds of the said town of Hydepark, and he shall be liable, on his bond, for the faithful performance of the duties required under this act.

Redemption.

Collector's fees.

§ 14. The present assessor of the town of Lake shall continue to be assessor for the towns of Lake and Hydepark until the next regular election of officers for the said town of Lake, anything herein contained to the contrary notwithstanding; and nothing in this act contained shall be construed so as to affect or interfere, in any manner, with any proceedings now pending or heretofore commenced by or before the present or former commissioners of highways of the town of Lake, in laying out or opening a public highway from or near the center of section two, in township thirty-eight north, range fourteen east; thence south, through the center of sections eleven, fourteen and twenty-three, to or near the center of section twenty-six; thence in a southeasterly direction, along the south side of the Pittsburg, Fort Wayne and Chicago railroad, to Ainsworth Station, which was surveyed by Edmund Bixby, or in laying out or opening any other public highway.

Assessor.

§ 15. This act to be a public act, and to take effect and be in force from and after the thirty-first day of March next.

APPROVED February 20, 1861.

In force February  
21, 1861.

AN ACT to incorporate the town of Harrisburg, Saline county, Illinois.

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 Harrisburg, Saline county, Illinois, are hereby constituted a body politic and corporate, by the name and style of "The Town of Harrisburg;" and, by that name and style, shall have perpetual succession, and may have and use a common seal, which they may change and alter at pleasure.

Corporate name.

General powers.

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

Boundaries.

§ 3. The boundaries of said town of Harrisburg shall consist of and include all that district of country in the county of Saline, state of Illinois, and described as follows, to wit: The southwest quarter of the northwest quarter and the northwest quarter of the southwest quarter of section fifteen, and the southwest quarter of the northeast quarter and the northeast quarter of the southeast quarter of section sixteen, in township nine south, of range six east, and all additions that may hereafter be made to said town.

Board of trustees.

§ 4. There shall be a board of trustees, consisting of a president and four trustees, to be chosen by the qualified voters, who shall hold their offices for the term of one year, and until their successors are elected and qualified.

§ 5. No person shall be elected president or trustee of said town who shall not be qualified to vote for state and county officers, and for trustees of said town. That at any election for trustees every person who shall be qualified to vote for state officers and who shall have resided within the limits of said corporation for six months previous to such election may enjoy the right of an elector.

Quorum.

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

Official oaths.

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



§ 8. There shall be twelve stated meetings of the board in each year, at such times and places as may be prescribed by ordinance, and may hold adjourned meetings, to attend to unfinished business. The president shall preside at the meetings of the board, and shall give the casting vote and none other. The president, or any two of the board, may call a special meeting of said board. Stated meetings.

§ 9. That the president and trustees shall be judges of the elections, qualifications and returns of their own members—a majority of whom shall constitute a quorum to do business, but a smaller number may adjourn, from day to day, and compel the attendance of absent members, in such manner and under such penalty as they may provide, and punish their members for disorderly conduct, and by vote of three-fifths of the whole number elected expel a member; and make such other rules and regulations for their government as to them may seem proper and expedient; and shall have power to fill any vacancies in the board of trustees, occasioned by death, resignation, removal or continued absence from town for three months or otherwise. President.

§ 10. On the fourth Monday of March next and on the fourth Monday of March of each year thereafter an election shall be held in said town, for president and trustees, five days' notice thereof having been previously given. Annual elections.

§ 11. The president and trustees of said town shall have power,

1st. To cause all the streets and alleys and public lanes within the limits of said town to be kept in good repair; and to this end they shall require every male resident of said town, over the age of twenty-one years, to labor on the same, not exceeding three days in each year; and, if such labor be insufficient for that purpose, to appropriate so much from the general funds of the corporation as they shall deem necessary therefor. Streets &c.

2nd: To open, alter, vacate, widen, extend, establish, grade, pave and otherwise improve any streets, avenues, lanes, alleys and public roads within the limits of said town.

3rd: To make, construct and keep in repair sidewalks or pavements in front of any lot or lots adjacent to [any] street or streets in said town, and to levy and collect a tax, from time to time, upon the lot or lots in front of which such sidewalks or pavements are or shall be ordered and proposed to be made, constructed or kept in repair, sufficient to pay one-half the expense of such construction or repair: *Provided*, such tax shall be on such lots proportionate to the length of their respective fronts. And in the event of the neglect or refusal of the owner or owners of such property to pay the assessment so made the amount of such tax shall be collected as hereinafter provided. Sidewalks.

4th: To levy and collect taxes upon all property, real and personal, within the limits of said corporation, not exceed- Taxes.

ing one-half per cent. per annum upon the assessed value thereof, and may enforce payment thereof in the manner hereinafter provided.

Stock to be re-  
strained.

5th: To restrain, regulate or prohibit the running at large of cattle, horses, sheep, swine, goats and other animals, and to authorize the distraining, impounding and sale of the same, and to prohibit the indecent exhibition of horses or other animals.

6th: To prevent and regulate the running at large of dogs, and to authorize the destruction of the same when at large contrary to any ordinance.

7th: To prevent horse racing or any immoderate riding or driving within the limits of said town of horses or other animals; to compel persons to fasten their horses or other animals attached to vehicles or otherwise, while standing or remaining in any street, alley or public road in said town.

Public pound.

8th: To establish and maintain a public pound and appoint a pound master and prescribe his duties.

9th: To restrain and prohibit all descriptions of gambling and fraudulent devices, and to suppress and prohibit billiard tables, ball alleys and other gaming establishments.

Licenses.

10th: To license, regulate, suppress and prohibit all exhibitions of common showmen, shows of every kind, caravans, circuses and exhibitions and amusements.

11th: To prevent, suppress and prohibit any riot, affray, disturbance or disorderly assemblage, assaults, assaults and batteries, or disorderly conduct or shooting within the limits of said town.

Nuisances.

12th: To abate and remove nuisances, and punish the authors thereof, and to define and declare what shall be deemed nuisances and authorize and direct the summary abatement thereof.

13th: To make regulations to prevent the introduction of contagious diseases into the town, and execute the same for any distance not exceeding two miles from the limits thereof.

14th: To regulate the storage of gunpowder and other combustible materials.

15th: To provide for the prevention and extinguishment of fires, and to organize and establish fire companies.

Fires.

16th: To provide the town with water, for the extinguishment of fires and for the convenience of the inhabitants.

17th: To provide for inclosing, improving and regulating all public grounds and other lands belonging to said town.

18th: To provide for erecting all needful buildings for the use of said town.

19th: To make all necessary regulations to secure the general health of the inhabitants thereof.

Sale of liquor.

20th: To license the selling, exchanging and traffic of any wine, rum, gin, brandy, whisky, beer or other intoxicating

liquors, within the limits of said town; and the county court is prohibited from licensing a grocery in said town or within half a mile of the same.

21st: To appropriate and provide for the payment of any debt or expense of the town, and to fix the compensation of town officers.

22nd: To make all ordinances which shall be necessary and proper for carrying into execution the powers specified in this act or which they may deem necessary or expedient for the better regulation of the internal police of said town, and to execute the same, and to impose fines, forfeitures and penalties for the breach of any ordinance or any of the provisions of this act, and to provide for the recovery and appropriation of such fines and forfeitures, and the enforcement of such penalties: *Provided*, that in no case, except in assaults or assaults and batteries, riots or affrays, shall any such fines or penalties exceed the sum of fifty dollars for any one offense. Police regulation

23rd: That the president and trustees of said town shall have power to appoint a town constable for said town; also, to appoint a clerk, treasurer, street commissioner, board of health, and all other officers that may be necessary, and to prescribe their duties; and may require bonds from the several officers for the faithful discharge of their duties, and may remove any of said officers from office. The president and trustees shall require their clerk, and it shall be his duty, to make and keep a full and faithful record of all their proceedings, by-laws, ordinances, and of the time, place and manner of the publication of such ordinances and by-laws, in a book to be provided for that purpose; and such book, purporting to be the record of the corporation of the town of Harrisburg shall be received in all courts, without further proof, as evidence of all such matters therein contained. And all ordinances, before taking effect, shall be published at least ten days in a newspaper published in said town, or by posting up copies of the same in three public places in said town, and the certificate of the clerk shall be conclusive evidence of their publication. Town constable.  
  
Town clerk's duties.

24th: 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 and safe condition, and to cause such as may be dangerous to be put in safe condition.

25th: To establish and erect markets and market houses and other public buildings of the town, and provide for the government and regulation thereof and their erection and location, and to authorize their erection in the streets and avenues of the town. Markets, &c.

26th: To prevent the incumbering of streets, alleys, side-walks or public grounds with carriages, wagons carts, wheel-



barrows, boxes, lumber, timber, fire wood, posts, awnings, signs or any other substance or material whatever; to compel all persons to keep snow, ice, dirt and other rubbish from the sidewalks and street gutters in front of the premises occupied by them.

Licenses.

27th : To license, tax and regulate billiard tables, ten-pin alleys and ball alleys; to suppress and restrain disorderly houses, tippling shops, bawdy houses, gaming and gambling houses, lotteries and all fraudulent devices and practices, and all playing of cards, dice and other games of chance.

Cemeteries.

28th : To regulate the burial of the dead; to establish and regulate one or more cemeteries; to regulate the registration of births and deaths; to direct the returning and keeping of bills of mortality, and to impose penalties on physicians and sextons and others for any default in the premises.

29th : To provide for the taking an enumeration of the inhabitants of the city.

30th : To regulate, prevent and prohibit the use of fireworks and firearms.

Prevention of  
fires.

31st : 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.

32nd : 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.

33rd : To regulate and prevent the carrying on of manufactories and works dangerous in promoting or causing fires.

Road labor.

§ 12. The inhabitants of said town are hereby exempt from working upon any road or highway beyond the limits of the town and from paying tax in lieu thereof without said limits.

Fines.

§ 13. All fines, forfeitures and penalties collected for offenses committed within the town shall be paid into the treasury of said town by the officers collecting the same, and all fines and forfeitures collected of any citizen of said town, for any conviction in the circuit court, shall be paid over in like manner.

Police magistrate.

§ 14. At the same time and place of the first election of the President and trustees the qualified voters shall elect a "Police Magistrate," who shall also be an elector of said town, who shall hold his office for four years and until his successor is elected and qualified. Elections for police magistrates and constables shall be held every four years, from and after the first regular election. The judges and clerks of election shall certify, within five days from said election, to two abstracts of the votes cast for police magistrate, to

the county clerk of said county of Saline, one of which shall be filed in his office and the other transmitted to the secretary of state; and the person receiving the largest number of votes for police magistrate shall receive a commission from the governor, in due form. Elections for police magistrate may be contested in the same manner that the elections for justices of the peace are contested under the existing laws of this state, or as may hereafter be provided. The police magistrate is hereby constituted a justice of the peace, and shall qualify as other justices of the peace, and shall execute bond, with good security, in the same manner as other justices of the peace, and shall have jurisdiction in said county, in all actions, as other justices of the peace of said county. He shall have exclusive jurisdiction in all suits for the violation of the ordinances of the corporation, except in case of his absence or inability to try such suit, in which case any justice in said town shall have jurisdiction thereof. He shall have power and it is hereby made his duty, when any person is found guilty of violating any ordinance, to impose upon him such punishment, by fine or imprisonment, as may be fixed by ordinance, and none other, and to order him to be held in custody, by the town constable, until the fine and costs are paid: *Provided*, that no person shall be fined for violating any ordinance more than fifty dollars nor imprisoned more than thirty days. He shall also have power to fine and imprison for contempt of his court, when in session. He shall 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 is disposed of; and shall receive the same fees as justices of the peace. The town constable of the town of Harrisburg shall receive the same fees as are allowed to a constable under the state laws, unless changed by ordinance. The town constable is hereby made a conservator of the peace, and shall have power to summon any white male inhabitant of said town, 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 town; and any person failing to assist him, when so summoned, shall be reported by the town constable to the police magistrate, and punished in such manner as may be provided by ordinance; and, before entering upon the discharge of his duties, shall enter into bond, in the sum of one thousand dollars, conditioned as other constables' bonds, payable to the town of Harrisburg, and shall take and subscribe the same oath that other constables are required by law to take. He shall possess the powers and authority of a constable at common law and under the statutes of this state, and receive like fees, but shall not serve process issued by any other officer in said county than the police magistrate of said town, without first entering into bond as such

Jurisdiction of  
police magis-  
trate.

Powers and du-  
ties of constable.

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. The town constable shall also be collector of the town revenue, street commissioner and market master, and shall have power to appoint one deputy, in writing: *Provided*, the board of trustees, whenever they deem it expedient, may appoint some other person to the office of street commissioner and market master. He shall promptly arrest all violators of any ordinance and carry them before the police magistrate, and shall have power to summon witnesses, without written subpoena, to appear and give evidence against such violators; and, upon the failure of such witnesses to attend, the police magistrate shall forthwith issue a writ of attachment against them. And the police magistrate shall proceed to the trial of such offenders forthwith or as soon as the witnesses can be brought before him, and if either the town or the offender is not ready for trial the police magistrate may continue the trial, not more than three days, and may admit the offender to give bond for his appearance before said magistrate at the time named therein, which bond shall be made payable to the town of Harrisburg and collectable by action of debt, before the police magistrate. Any person who is fined for breach of any ordinance may replevy the same, by giving security for the payment of such fine and costs, within three months; and at the expiration of three months, if the fine and costs be not paid, the police magistrate shall render judgment against the principal and his securities and forthwith issue execution thereon, directed to the town constable; and any person fined for violating any ordinance may pay such fine by labor on the streets of said town, under the direction of the street commissioner, in such manner as may be determined by ordinance. The president and board of trustees may, upon any omission or neglect of duty of the town constable, remove him from office and appoint his successor. In case the police justice shall, at any time, be guilty of palpable omission of duty, or shall willfully or corruptly be guilty of oppression, malconduct or partiality, in the discharge of the duties of his office, he shall be liable to be indicted in the circuit court of Saline county, and, on conviction, shall be fined in any sum not exceeding two hundred dollars, and removed from office. Changes of venue may be taken from before the police magistrate to any justice of the peace of said town, in the same manner that changes of venue are now allowed from justices of the peace in all cases over which justices of the peace have jurisdiction; and appeals may be taken in the same manner from said police magistrate to the circuit court of Saline county as are allowed by law to be taken from justices of the peace. In case of the absence or inability to act of the town constable or his

Collector.

Street commissioner.

Fines and penalties.

Change of venue.



deputy, the police magistrate may appoint a special constable, to serve any writ or process. Transcripts may be taken from judgments of the police magistrate to the circuit court, in the same manner as from the judgments of justices of the peace. The style of the ordinances of said town shall be, "*Be it ordained by the President and of Trustees of the Town of Harrisburg.*" All writs and process issued by the police magistrate shall run in the name of the "People of the State of Illinois," and be directed to the town constable of the town of Harrisburg.

#### OF ASSESSMENT.

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 Harrisburg, made by the assessor of said town, for the year 18—," and shall set down in separate columns—*First*: The names of all the owners, if known, of the real estate within the limits of said city. If the owner is unknown it shall be so stated. *Second*: The description of the real estate opposite the name of the owner or the word "unknown." *Third*: The value of the real estate opposite the 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. 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 second Saturday in July of each year, be returned to the board of trustees in session or to the president. Previous to the second Saturday 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 board, on the second Saturday in August, of each year, and not afterwards, the said board shall hear the application of any person who may consider himself aggrieved by the said assessment, and, on being satisfied of any error therein, they may correct the same. On the return of said assessment roll to the president or board the town clerk shall cause to be posted, in three public places in said town, written or printed notices, that the assessment has been returned and is ready for inspection, and also of the time when application may be made for reviewing the same. Immediately after the second Saturday in August, of each year, the town clerk shall make out a true copy of the assessment, to which, after being satisfied that the same

Form of assessment roll.

Issue of warrant by clerk.

is a correct copy, as above, the board of trustees shall annex a warrant, signed by the president, requiring the collector to collect from the several persons the several amounts of taxes set opposite their respective names, and pay the same to the treasurer of the town; and the said collector shall, thereupon, attend at some place in said town, for the purpose of receiving taxes, giving ten days' notice of such place and the day on which he will attend for the purpose aforesaid; and if any resident of said town shall neglect to pay his tax on the day mentioned in such notice the collector shall proceed to levy the same of the goods and chattels of said resident; and after giving ten days' notice of the time and place of sale, by posting up a notice thereof in three public places in said town, shall sell as many of said goods and chattels as may be necessary to make the amount of tax and cost. In cases where the owner is not a resident of the town the collector shall proceed to levy and sell, within ten days after the day fixed in said notice. The said warrant shall be returnable on the second Saturday in October after the date thereof; at which time the collector shall return said warrant and tax list to the clerk of the town and pay over all money by him collected to the treasurer and take his receipt for the same. In the return to said warrant the collector shall give a list of the names of the person 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 board of trustees may give him credit for the amount of taxes he has thus been unable to collect. The collector shall also make a list of the real estate upon which the taxes have not been paid or collected, and state to whom each parcel of real estate was assessed, or that the same was assessed to a person "unknown," and describe said real estate, and give the amount of tax on 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 board of trustees may credit him with the amount. The said list shall be evidence of the taxes and costs due on any real estate in said town; and whenever any person, owning real estate in said town, shall fail to pay the same on or before the second Saturday in October, of any year, the town 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 law of this state for obtaining judgment against and selling delinquent lands. All real estate sold for taxes and assessments, under this charter, shall be sold and may be redeemed in the same manner and upon the

Sale of property.

Proceedings in  
case of nonpay-  
ment.

same terms as lands are now sold and redeemed in the cases of sale for state and county taxes; and the deed of the town 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 tax. In the event the owner or owners of real estate, against which assessments have been made, under the provisions of the third clause of section 11, shall refuse to make payment of such assessment, the board of trustees shall require the town constable to obtain judgment against such real estate and make sale thereof in the same manner as against real estate for taxes. This act is hereby declared to be a public act, and may be read in evidence in all the courts of this state, without proof. The president and board of trustees shall have power to borrow money and pledge the revenue of the town for the payment thereof: *Provided*, that no sum or sums of money shall be borrowed at a greater interest than ten per cent. per annum: *And, provided, further*, that no money shall ever be borrowed by the board of trustees unless the ordinance therefor shall first be submitted and voted for by a majority of the voters voting at an election for that purpose. The town constable, or his deputy, shall have power to arrest or cause to be arrested, with or without process, upon view or information, all persons who shall break the peace, or threaten to break the peace, or be found violating any ordinance of said town, and may hold such persons for examination, or detain them in the county jail or other safe place, for the space of thirty-six hours, and until they can be brought before the police magistrate. No person shall be incompetent to serve as a witness or juror in any suit where the town of Harrisburg is a party, by reason of his being an inhabitant of said town. An election shall be held in said town, (five days' notice having been previously given,) on the second Monday in March next, at which time all the legal voters residing within the limits described in the third section of this act shall vote for or against adopting this charter; and if a majority of the votes polled at such election are in favor of the adoption of said charter, it shall immediately take effect as law; otherwise, it shall be of no legal effect. But if a majority of said legal voters shall not adopt said charter, at said election, it may be submitted to said voters for adoption at any other time, within twelve months, ten days' notice having been previously given.

Borrowing of money.

Arrests.

APPROVED February 21, 1861.



In force February  
21, 1861.

AN ACT granting a new charter to the Town of Illinoistown.

ARTICLE I.

INCORPORATION.

Name.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the inhabitants and residents of the town of Illinoistown, in the county of Saint Clair, are hereby constituted and declared a body corporate and politic, by the name and style of "The Town of Illinoistown;" 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 and mixed estate as the purposes of the corporation may require, within or without the limits of the town, and may sell, lease and dispose of the same for the benefit of the town, and to protect and improve any such property, as the public good may require, and to do all other acts and things in relation thereto that natural persons might do.

Boundaries.

§ 2. The boundaries of said town of Illinoistown shall be as follows, viz: Commencing at a point where a continuation of the line dividing surveys No. one hundred and fifteen (115) and one hundred and sixteen (116) intersects with Cahokia creek, where it now runs, at low water mark; thence, up the meanders of said creek, along the line of low water mark, to where the division line of between survey (626) six hundred and twenty-six, (claim No. 1316,) and survey (627,) six hundred and twenty-seven, (claim No. 1837,) intersects said creek; thence, northeastwardly, on a straight line, along said division line, between surveys 626 and 627, and along its straight continuation, to where it is intersected by the northeast line of Tenth street, in the town of East St. Louis, reference being had to the recorded plat of said town, at the recorder's office of Saint Clair county; thence, along said northeast line of said Tenth street, and on the line of its straight continuation, to where it is intersected by the division line between survey No. 115 and survey No. 116, aforesaid; thence, southwesterly, along said division line, on a straight line, and along its straight continuation, to the place of beginning.

Additions.

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

ARTICLE II.

THE TOWN COUNCIL.

Town council.

§ 1. The government of said town shall be vested in a town council, consisting of a president and four trustees.

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

§ 3. If any member of the town council shall, during the term of his office, remove from the town or shall be continually absent from the regular meetings of said town council for the space of three months in succession his office shall thereby be vacated. Vacancies.

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

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

§ 6. They may punish their members for disorderly conduct, and; by a vote of three-fifths of all their members, may expel a member from the board. They shall, also, have power to remove from office, by a vote of three-fifths of all the members, any subordinate officer of said town, who holds his office by appointment of said town council.

§ 7. No member of the town council shall, during the period for which he is elected, be appointed to or be competent to hold any office of which the emoluments are paid from the town treasury or paid by fees directed to be paid by any act or ordinance of the town council, or be directly or indirectly interested in any contract, the expenses or considerations whereof are to be paid under any ordinance of the town council, or be allowed to vote in any matter in which he is interested personally or pecuniarily.

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

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

§ 10. Each member of the town council, before entering upon the duties of his office, and within twenty days after his election, shall take and subscribe an oath that he will support the constitution of the United States and of this state, and will well and truly perform the duties of his office to the best of his ability, and file such oath with the town clerk. Official oath.

§ 11. There shall be at least one regular meeting of said town council in each month, at such time and place as may be prescribed by ordinance. Special meetings of said town council may be called as hereinafter provided for.

§ 12. The first meeting of said council shall be held on the fourth Monday in April, A. D. eighteen hundred and sixty-one.

## ARTICLE III.

## POLICE MAGISTRATE AND TOWN MARSHAL.

Police magis-  
trate and town  
marshal.

§ 1. There shall be elected in the town of Illinoistown, by the qualified voters thereof, on the first Monday in April, A. D. 1861, and every four years thereafter, a police magistrate and town marshal, who shall hold their respective offices for the term of four years, and until their respective successors shall be elected and qualified.

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

§ 3. For the election of the police magistrate and town marshal said town is hereby declared an election precinct; and such election shall be conducted in the same manner as the election of other justices of the peace and constables: *Provided*, such election shall be held at the same time and shall be conducted by the same judges as the election of the members of the town council.

§ 4. The police magistrate shall be commissioned by the governor of the state of Illinois, and shall have the same qualifications, and be subject to the same requirements and penalties, have the same rights, privileges, jurisdiction and duties that justices of the peace now or may hereafter have in the county of Saint Clair, and state of Illinois.

§ 5. Said police magistrate shall have exclusive original jurisdiction, in all cases arising under the ordinances of the town.

§ 6. Said police magistrate shall enter into bond for the faithful performance of the duties of his office, in like manner as other justices of the peace under the general law of the state.

§ 7. The town marshal shall have such power and authority and be entitled to the same fees and be placed under such bond, conditioned for the faithful performance of the duties of his office, as may be prescribed by the general law of the state for other constables.

§ 8. In case of the absence, inability or refusal of the police magistrate to perform the duties of his office, it shall be the duty of any justice of the peace in said town and he is hereby authorized and empowered, on view or upon complaint being made to him, in writing, under oath, of the violation of any law or ordinance of said town, to issue his warrant, directed to the town marshal or any authorized person, to arrest the offender or offenders and bring him, her or them before him forthwith; and, after hearing the evidence, if it shall appear that the accused shall have been guilty of the breach of any law or ordinance of said town,

Town marshal.

Police magis-  
trate's duty.



to impose such fine or imprisonment, or both, as may be provided for by such ordinance, in the same manner as the police magistrate might do.

§ 9. The town marshal and any other authorized officer of said town, as may be 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 the town council, for examination, and, if necessary, to detain over night or Sabbath or until he can be brought before a magistrate, and shall exercise such other power, as a conservator of the peace, as the town council may prescribe. Disturbance of  
the peace.

§ 10. In case the police magistrate or town marshal shall fail to file their bonds, as required by sections 6 and 7 of this article, within twenty days after their respective election, their respective offices shall thereby become vacated and be filled as hereinafter provided.

#### ARTICLE 4.

##### ELECTIONS.

§ 1. On the first Monday in April next, an election shall be held in said town, for the election of the president and four trustees, who shall hold their respective offices as follows, viz: the president and two trustees for the term of two years, and the other two trustees for the term of one year, to be determined, by lot, at their first meeting; but at each subsequent annual election there shall be elected two trustees, who shall hold their respective offices for the term of two years; and at each biennial election, also, a president, as aforesaid, for the term of two years, as aforesaid—all of whom shall hold their respective offices until their successors are duly elected and qualified. Annual elections.

§ 2. Said election shall commence at 10 o'clock, A. M., and close at 6 o'clock, P. M., on said day, and otherwise be held, conducted and returns thereof made as may be provided by ordinance by the present president and trustees of the town of Illinoistown, subject, however, to the provisions of this charter in regard to the time, manner and place of holding elections for town officers. All subsequent elections shall be held as may be provided by ordinance by the town council created by this act.

§ 3. All persons who are entitled to vote for state officers, and who shall have been actual residents of said town at least for three months next preceding any election for said town officers, shall be entitled to vote at such election. Qualification of  
voters.

§ 4. If two or more persons shall receive an equal number of votes for the office of police magistrate or town marshal the town council shall proceed to determine the same, by lot; and all contested elections shall be determined as provided by ordinance. Tie.

§ 5. All vacancies in the town council, the town marshal's or police magistrate's office, shall be filled by election, said town council giving ten days' notice of said election, within twenty days after the happening of such vacancy.

Failure to call  
election.

§ 6. In case said town council neglect or refuse to call such election, as aforesaid, it shall be lawful for any five legal voters in said town to give such notice of such election to fill the vacancy, in like manner as if said notice issued from said town council; and if an election be thus called the majority of the legal voters assembled at the place and time appointed for such election shall choose any two of their number to act as judges of said election, who, after having been duly sworn as such judges, shall proceed, conduct and make returns of said election in the same manner as judges of the regular annual elections for town officers for said town.

§ 7. The successful candidate or candidates shall enter upon the duties of his office as if elected in the regular manner.

§ 8. No election, under this charter, shall be held in any building or next adjoining any building where intoxicating or malt liquors are vended by retail.

## ARTICLE 5.

### OF THE PRESIDENT.

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

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

President's duties

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

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

## ARTICLE 6.

## LEGISLATIVE POWERS OF THE TOWN COUNCIL.

§ 1. The town council shall have control of the finances and of all other property, real, personal and mixed, belonging to the corporation, and shall, likewise, have the power within the jurisdiction of the town, by ordinance :

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

2. To make regulations to secure the general health of the inhabitants of the town, and to declare what shall be a nuisance, and to prevent and remove the same. Health ordinances.

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

4. To open, alter, abolish, vacate, extend, widen, grade, pave or otherwise improve and keep in repair the streets and alleys in said town, and to prevent the obstructing of the same.

5. To erect market houses, establish markets and market places, and provide for the government and regulation thereof. Markets, &c.

6. To provide for the erection, control and management of all needful public buildings for the use of the town.

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

8. To provide for the inspection and weighing of hay, grain and stonecoal and the measurement of wood and fuel, to be used in said town.

9. To regulate the storage of gunpowder and other combustible materials, and prohibit the storing and manufacturing the same within the town limits.

10. To prevent and prohibit the dangerous construction and condition of chimneys, flues, fireplaces, 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, and to cause such as may be dangerous to be put in a safe condition.

11. 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 put in a safe condition.

12. To regulate and prevent the carrying on of manufactories and works dangerous in promoting or causing fires.

13. To regulate and prohibit the use of fireworks and firearms.

14. To regulate and prescribe the manner and order the building of parapet and partition walls and of partition fences.



Fires,

§ 15. To establish such regulations, for the prevention and extinguishment of fires, as the town council may deem expedient.

§ 16. To prevent and restrain loud, unbecoming, profane or indecent language or other disorderly conduct in said town.

§ 17. To prohibit, prevent and suppress horse racing, immoderate riding or driving in the streets, and to authorize any person to stop persons immoderately riding or driving, as aforesaid; to prohibit and punish the abuse of animals; to compel persons to fasten or otherwise secure their horses or other animals attached to vehicles, or otherwise, while standing or remaining in the streets.

§ 18. To restrain and punish vagrants, mendicants, street beggars and prostitutes.

§ 20. 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 unto the owners and keepers thereof.

§ 21. To abate all nuisances which may injure or affect the public health or comfort in any manner they may deem expedient.

Census.

§ 22. To provide for taking the enumerations of the inhabitants of the town.

23. To restrain, regulate and prohibit the selling or giving away of any intoxicating or malt liquors, by any person, within the town or within one-half of one mile of the boundaries of the town.

24. To license, tax and regulate innkeepers, agents for foreign insurance companies, brokers and auctioneers, and to impose duties upon the sale of goods sold at auction.

25. To license, tax, regulate and prohibit hawkers, peddlers, pawnbrokers, grocery keepers and keepers of ordinaries, theatrical or other exhibitions, shows and amusements.

Licenses.

26. To license, tax, regulate and suppress hackmen, draymen, omnibus drivers, drivers and owners of coal teams, porters and all others pursuing like occupations, with or without vehicles, and prescribe their compensation, and restrain and regulate runners for stages, carts and public houses.

27. To license, tax and regulate billiard tables, ten-pin alleys and ball alleys; to suppress and restrain disorderly houses, tippling shops, bawdy houses, gaming and gambling houses, lotteries and all fraudulent devices and practices, and all playings of dice, cards or other games of chance, with or without betting; to authorize the destruction of all instruments and devices used for the purpose of gaming; to authorize the proper officer of the town to grant and issue licenses and 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 two hundred dollars shall be charged for any license, under this act; and no license for the sale of intoxicating and malt liquors at retail shall be issued for less than sixty dollars for one year.

28. To pass, publish, amend and repeal all ordinances, 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 town 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 town 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, town prison or workhouse, or both, 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 six months for any offense; and such fine or penalty may be recovered, with costs, in the name or for the use of the town, 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, town prison or workhouse, or required to labor on the streets, or elsewhere, in said town, for such time and in such manner as may be provided by ordinance.

29. To provide for the appointment of a town clerk, Officers.  
collector, assessor and treasurer and all such other officers as are necessary.

30. To require of all officers appointed in pursuance of Official bonds.  
this charter bonds, with penalty and security, for the faithful performance of their respective duties, as may be deemed expedient, and to take such an oath or make such an affirmation as the town council may prescribe, before entering upon the discharge of the duties of their respective offices.

31. To define the duties of officers holding an office by appointment under this charter, and to provide for their removal from office.

32. To regulate and fix the compensation of all town officers, elected or appointed, and to regulate the fees of jurors, witnesses and others, for services rendered under this act or any ordinance in pursuance thereof.

33. 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.

34. To direct and control the laying and construction of Railroads.  
railroad tracks, bridges, turnouts and switches, in the streets and alleys, and the location of depot grounds within the

town; to require railroad companies to construct and keep in repair suitable crossings at the intersections of streets and alleys and ditches, sewers and culverts; to direct and prohibit the use and regulate the speed of locomotive engines and cars, connected or detached, within the boundaries of the town; and to prohibit and restrain railroad companies from doing storage or warehouse business or collecting pay for storage.

35. To provide for the erection of and keeping in repair of suitable and necessary bridges, culverts, sewers, ditches, drains and embankments.

Assessment.

36. To prescribe the form of assessment lists and prescribe the duties and define the powers of the assessor or assessors; to make such rules and give such directions in relation to revising, altering or adding to the lists as they may deem proper and expedient.

37. 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.

Infectious diseases.

38. To require every person practicing physic in this town, who shall have a patient laboring under any malignant, infectious or pestilential disease, shall forthwith make 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 not less than twenty nor more than one hundred 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 or in the name of the town.

Taxes.

39. To levy and collect, annually, taxes, for town purposes, upon all property, real, personal and mixed, within the town, not exceeding one-half of one per cent. per annum, upon the assessed value thereof; and the council may enforce the payment of taxes in manner prescribed by ordinance, not repugnant to the constitution of the United States and of this state: *Provided*, said tax shall be levied for the payment of debts contracted by and under authority of law.

40. To require, and it is hereby made the duty, of every male resident of the town, over the age of twenty-one years and under the age of fifty years, to labor three days in each year upon the streets and alleys of the town; but any person may, at his option, pay, in lieu thereof, two dollars, (\$2 00:). *Provided*, the same shall be paid within ten days after notification by the street inspector. 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.



41. The town council shall have power, from time to time, to cause any street, alley or other highway to be graded, regraded, leveled, macadamized, paved or planked, and keep the same in repair, and alter and change the same. Streets.

42. Also, to cause sidewalks, crosswalks and drains to be constructed and laid, relaid, cleansed and repaired, and regulate the same. Sidewalks.

43. Also, 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 town taxes, and in addition to the same, or in such manner as may be prescribed by ordinance, for the purpose of grading, macadamizing, paving or planking such street or other highway: *Provided*, that such tax shall not exceed five mills to the dollar, per annum, of the value of the property assessed.

44. All owners or occupants of lots or lands, in front of, adjoining or upon whose premises the town council shall order and direct sidewalks or drains to be constructed, graded, repaired, relaid or cleansed, or shall declare any such lots or land 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 drain, or grade, fill up, drain or otherwise improve such lots 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 town council may cause the same to be constructed, repaired, relayed, cleansed, filled up, graded, drained or otherwise improved, and assess the expense 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 or occupant of such premises, for the recovery of such expenses, as for money paid and laid out to his use and at his request. Repairs of sidewalks.

45. In all cases where expenses may be incurred in the removal of any nuisance, the town 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 for 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. Nuisances.

## ARTICLE VII.

### MISCELLANEOUS PROVISIONS.

1. The inhabitants of the town of Illinoistown are hereby exempt from working upon any road or highway beyond Road labor.

the limits of the town and from paying the tax in lieu thereof without said limits.

2. The street inspector shall demand the services of all persons who are required to labor on the streets and alleys of the town, at such time and place and in such manner as the town council may direct or the inspector 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, as aforesaid, a written or printed notice or partly written and printed notice, in such form as the town 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 a similar notice, published for ten days by the inspector, by posting a copy in each of four of the most public places in the town, shall be 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 of collecting the same added thereto.

Publication of  
ordinances.

3. All ordinances passed by the town council shall, within one month after they have been passed, be published at least once in some newspaper published in said town, or, if no newspaper is published in said town, by posting four copies of each ordinance in four of the most public places in said town, (that is, one copy in each place,) and shall not be in force until they have been published as aforesaid; and proof of such publication, if through a newspaper, by the affidavit of the printer or publisher of such newspaper, or, if posted by copies, as aforesaid, by the officer or other person posting the same, taken before the police magistrate or any other justice of the peace in said town, and filed with the town 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 and places.

4. All ordinances of the town 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 town council, the same shall be received in evidence in all courts and places, without further proof.

5. The style of the ordinances shall be, "*Be it ordained by the Town Council of the Town of Illinoistown.*"

Public grounds.

6. The town 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 and highways, or public squares or ground laid out by them, to be surveyed, described and recorded in a book, to be kept by the town 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.

7. No person shall be an incompetent judge, justice or juror or witness, by reason of his being an inhabitant or freeholder in said town, in any action or proceeding in which said town may be a party in interest.

8. The town council shall, at least ten days before the annual election, in each year, cause to be published, as prescribed by ordinance, 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 former are derived, and the mode of disbursement, and also a distinct statement of the whole amount assessed, received and expended in said town, in making and repairing streets and highways, and bridges, culverts, drains, etc., for the same period, together with such information as may be necessary to a full understanding of the financial concerns of the town. Annual statement

9. The water course, known as Cahokia creek, along the boundary of said town, or any natural branch leading thereinto, within said town, shall not be filled up, altered or changed, except in a manner prescribed by the town council; and the town council shall have power, by ordinance, to establish and direct and prescribe the manner of altering, changing and straightening, and to wall, fill up, culvert and sewer the same, and prevent its pollution, within one-half mile of the limits of said town. Cahokia clerk.

10. The town council shall have power to cause the lots and blocks of the town 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 said blocks and lots, or fractional blocks and lots; to establish, mark and declare the boundaries and names of streets and alleys; to require that all additions hereafter made to the town, or all lands adjoining or within the same, laid out into blocks or lots, shall be so laid out and platted as to correspond and conform to the regular blocks, streets and alleys already laid out and established within the town. Surveys and plats

11. All actions brought to recover any penalty or forfeiture incurred under this act, or any ordinance, by law or Recovery of fines.



police regulations, 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.

Prosecutions.

12. All prosecutions for the breach of any ordinance, by-law or regulation of said town shall be commenced before the police magistrate of said town, (except in cases provided for by section 8, article 3, of this act;) and the first process shall be a summons: *Provided*, the police magistrate may issue a warrant, in the same manner as a justice of the peace, under said section 8, article 3, is authorized to issue, in the absence or in case of inability or refusal of the said police magistrate, as therein stated.

13. All fines, forfeitures and penalties collected for the violation [of any] by-law or regulation of said town shall be paid into the treasury of said town; and all fines and forfeitures collected of any citizen of said town, for any conviction in the circuit court, shall be paid over in like manner.

14. The town 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.

Ordinances.

15. All ordinances and resolutions passed by the president and trustees of the town of Illinoistown shall remain in full force until the same shall have been repealed by the town council, provided they are not inconsistent with this act.

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

City property.

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

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

Appeals

19. Appeals shall be allowed from the decision in all cases arising under the provisions of this act, or any ordinance passed in pursuance thereof, to the circuit court of the county of St. Clair; and every such appeal shall be taken and granted in the same manner and with like effect as appeals are taken from and granted by justices of the peace to the circuit court under the laws of this state: *Provided*, the said corporation shall be allowed to appeal in

any case in which they are parties, by causing their secretary to execute a bond, in the name of said town, in the form now prescribed by law in other cases, without other security; and an order, entered on the records of said corporation, directing said appeal, shall be sufficient evidence of the authority of the said secretary to sign said bond.

20. In all cases under the ordinances of said town, changes of venue shall be allowed as in other cases.

21. 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 further proof.

22. The incumbent president and board of trustees of the town of Illinoistown may cause an election to be held in said town, on the second Monday in March next, after the passage of this act, at which the inhabitants residing within the herein described corporate limits of said town, 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, or in case the said trustees shall fail to call said election, as aforesaid, then this act shall immediately take effect as a law, and the act entitled "An act to incorporate the town of Illinoistown, in Saint Clair county," approved February 19, A.D. 1859, shall thereby be repealed; but if a majority of the votes given shall be against the charter, then this act is to be of no effect.

23. In case this act should become a law, by virtue of the foregoing section, the incumbent president and board of trustees of the town of Illinoistown shall give fifteen days' notice of the first annual election under this act, for the officers; and, at the time provided for by section No. 1, article IV, and section No. 1, article III, of this act; and in case of failure by them so to do, said first election may be called by any five legal voters of said town, and conducted and returns thereof made as provided for in section No. 6, article IV, of this act.

24. Notices of all elections held under this act shall be posted in four of the most public places in said town.

25. At the election provided for in section No. 23, of this article, the legal voters of the town of Illinoistown shall also vote whether the name of said town shall be changed from the town of Illinoistown to that of the town of East St. Louis; and if a majority of the votes so cast shall be in favor of such alteration, then the corporate name of said town shall be changed from the town of Illinoistown to that of the town of East St. Louis, and the words "East St. Louis" inserted in all places in this charter, necessary to carry said change into effect; and the provisions of this charter shall have the same effect as though the words "East St. Louis" had been originally so inscribed in the place of the word "Illinoistown."

APPROVED February 21, 1861.

In force February  
22, 1861.

AN ACT to amend the charter of the Town of Jerseyville.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the town council of the town of Jerseyville, county of Jersey, in this state, in addition to the powers conferred upon them by the act to incorporate said town, approved February fourteenth, eighteen hundred and fifty-five, shall have power, by ordinance, to provide that any person or persons who shall or may be convicted of any violations of the ordinances, or any of them, passed by said town council, and who shall fail or refuse to pay the fines or penalties and costs assessed against him or them, shall be compelled, under the direction of the supervisor of said town, to work and labor upon the roads, streets or alleys of said town, in such manner, and for such time, in satisfaction of such fine or penalty and costs, as may be prescribed by ordinance, duly passed by said town council, and to provide such penalties, by imprisonment, for failing or refusing to work or labor, as required by ordinance, as may be necessary to compel obedience to the same, not exceeding thirty days in any one case.

Labor in satisfac-  
tion of fines.

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

APPROVED February 22, 1861.

In force February 22, 1861. AN ACT to amend an act entitled "An act to change the name of Kankakee Depot and Bourbonnais, as applied to the county seat of Kankakee county, to Kankakee City, and to incorporate said town," approved February 15th, A. D. 1855.

#### CHAPTER 1.

*Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That an act entitled "An act to change the name of Kankakee Depot and Bourbonnais, as applied to the county seat of Kankakee county to Kankakee City, and to incorporate said town," approved February 15, A. D. 1855, be so amended that all of said act, after the third section thereof, commencing with section four, shall read as follows:

Wards.

SECTION 4. Said town shall at present be divided into three wards, as follows: All the territory embraced within the boundaries of said town, lying east of the Illinois Central railroad and north of the Kankakee river, shall constitute the First Ward. All of said territory, lying west of said railroad and north of said river, shall constitute the Second Ward. All of said territory, lying south of said river, shall constitute the Third Ward.



## CHAPTER II.

## OFFICERS.

§ 1. The municipal government of the town shall consist of a board of trustees, composed of a president and two trustees from each ward. The other officers of said town shall be as follows: a clerk, an attorney, treasurer, assessor, marshal, surveyor, one street commissioner, collector, and as many firemen, fire wardens, policemen, watchmen and such other officers and agents as the board of trustees may deem necessary and appoint; but no person shall hold more than one office which is created by this act. Officers.

§ 2. An election shall be held on the second Tuesday of April, in each year, at such place in each ward as the board of trustees may appoint, of which election it shall be the duty of the clerk to give notice for at least six days, by posting three written or printed notices in each ward. Annual election

§ 3. At the annual election, there shall be elected, by the qualified voters of said town, a president, assessor, marshal, surveyor, and collector; and the person having the highest number of votes cast at such election, in the whole town, for either of such offices, shall be declared elected. At the same time, such electors, in their respective wards, shall vote for two trustees; and the two persons having the highest number of votes cast in the wards for such offices, respectively, shall be declared elected. Officers to be elected.

§ 4. The officers elected by the people, under this act, shall, respectively, hold their offices for one year and until the election and qualification of their successors, respectively. And other officers mentioned in this act, and not otherwise specially provided for, shall be appointed by said board, by ballot, and continue in office until the annual election for president and trustees, unless removed by said board. Officers appointed to fill vacancies shall hold for the unexpired term, only, and until the election and qualification of their successors. If, from any cause, there shall not be a quorum of trustees, the clerk shall appoint the time and places of holding special elections, and may appoint judges of election, if necessary. If any trustee remove from the ward in which he was elected his office shall be deemed vacant. Terms of office.

§ 5. If there should be a failure by the people to elect any officer herein required to be elected, at the annual election, the board of trustees may forthwith order a new election, and continue to order new elections until such vacancy is filled. Failure to elect.

§ 6. In case of a vacancy in the office of president, such vacancy shall be filled by a special election, called for that purpose. In case of a vacancy in the office of one or more of the trustees, such vacancy shall be filled by appointment by the remaining members of the board. Officers appointed by the board may be removed, by a vote of two-thirds of the Vacancies.

members. Any officer appointed may be suspended until the disposition of the charge preferred against him.

§ 7. All citizens of the United States, qualified to vote at any election held under this act, shall be eligible to any office created by this act, except president, trustees and assessor, who shall be freeholders.

Mode of holding elections.

§ 8. The manner of conducting and voting at elections, held under this act, and contesting the same, keeping 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 and special elections: *Provided*, the board of trustees shall have power to regulate elections. 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 judges at general elections. The polls shall be kept open from eight o'clock in the forenoon until five o'clock in the afternoon: *Provided*, the judges may adjourn one hour for dinner. After closing the polls, the ballots shall be counted, in the manner required by law, and the returns shall be returned, sealed, to the clerk, within twenty-four hours after closing the polls; and, thereupon, the board of trustees shall open 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 to office of their election or appointment; and unless such shall, respectively, qualify within ten days thereafter, the offices shall become vacated.

Qualification of voters.

§ 9. 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 within the town limits three months next preceding the election, and who shall not have been a resident of the ward for ten days before the election, and, if required by any person qualified to vote thereat, shall take the following oath, before he is permitted to vote: *Provided*, the voter shall be deemed a resident of the ward in which he is accustomed to lodge: "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 adoption of the constitution, and have been a resident of this state one year, and a resident of this town three months immediately preceding this election, and am now and have been for ten days, last past, a resident of this ward, and have not voted at this election."

CHAPTER III.

POWERS AND DUTIES OF OFFICERS.

§ 1. Every person elected or appointed to an 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 said clerk of said town.

§ 2. The president shall preside over the meetings of the board of trustees, and take care that the laws of the state and ordinances of the town are duly enforced, respected and observed, and that all the executive officers of the town discharge their respective duties. He shall, also, have power, *ex officio*, to administer any oath required to be taken by this act. Duties of the president.

§ 3. In case of the president being unable to perform the duties of his office, by reason of temporary or continued absence or sickness, the board of trustees shall appoint one of their number to preside over their meetings, whose official designation shall be president, *pro tem.*; and the trustee, so appointed, shall be vested with all the powers and perform all the duties of president, until the president shall resume the duties of his office, or the vacancy be filled by a new election.

§ 4. The members of the board of trustees shall be fire wardens and conservators of the peace, and shall be exempt from jury duty during their term of office. The marshal shall be a conservator of the peace.

§ 5. The clerk shall keep a record of the proceedings of the board of trustees, at whose meetings it shall be his duty to attend; and copies of all papers duly filed in his office and transcripts from the records of the proceedings of the board of trustees, certified, 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 oath required to be taken by this act, and shall be the keeper of the corporate seal. Records.

§ 6. It shall be the duty of the city attorney to perform all professional services incident to the office, and, when required, to furnish written opinions upon subjects submitted to him by the board of trustees. Attorney.

§ 7. The treasurer shall receive all moneys belonging to the corporation, and keep an accurate account of all receipts and expenditures, in such manner as the board of trustees shall direct. All money shall be drawn from the treasury in pursuance of an order of the board of trustees, by warrant, signed by the clerk, and countersigned by the president. Such warrant shall specify for what purpose the same was paid. The treasurer shall exhibit to the board of trustees, at least fifteen days before the annual election of each year, and oftener, if required, a full and detailed account of all receipts and expenditures, after the date of the last annual report, and also a report of the state of the treasury; which report shall be filed in the office of the clerk. Treasurer.



Marshal.

§ 8. The marshal shall attend all the meetings of the board of trustees, and perform such other duties as shall be prescribed by the rules and ordinances of the said board.

§ 9. The town surveyor shall have the sole power, under the direction of the board of trustees, to survey within the town limits, and possess the same powers therein, in making surveys and plats, as are given by law to county surveyors, and of the same binding effect and validity.

Collector.

§ 10. It shall be the duty of the collector to collect all taxes and assessments which may be levied by said board, and perform such other duties as may be prescribed by said board.

Assessor.

§ 11. The assessor shall perform all the duties in relation to the assessing of property, for the purpose of levying taxes imposed by the board of trustees. In the performance of his duties he shall have the same powers as are or may be given by law to town assessors, and be subject to the same liabilities.

Street commissioner.

§ 12. It shall be the duty of the street commissioner to superintend all improvements, in making and repairing streets, avenues, alleys and bridges, within the limits of the town, and to carry into effect all the orders of the board of trustees in relation thereto.

Marshal.

§ 13. Every person elected to the office of marshal, shall, before he enters upon the duties of his office, with two or more sureties, to be approved by the president, execute, in the presence of the clerk of the city, an instrument, in writing, by which such marshal and securities shall, jointly and severally, agree to pay to each and every person who may be entitled thereto, all such sums of money as the said marshal 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 or execution. The clerk shall file the same, with the president's approval thereon; and a copy, certified by the clerk, under the corporate seal, shall be presumptive evidence, in all courts, of the execution thereof by such marshal and his sureties; and all actions thereon shall be prosecuted within two years after the expiration of the year for which such marshal was elected, and may be brought in the name of the person or persons entitled to the money collected by virtue of such instruments. Such marshal may serve any process that may by law be served by a constable, under the general laws of this state or this act, and entitled to the same compensation therefor.

Additional duties of officers.

§ 14. The board of trustees shall have the 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 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 said corporation, by all officers, elected or appointed, for the faithful performance of their duties.

§ 15. The treasurer, collector, marshal and street commissioner shall, severally, before they enter upon the duties of their respective offices, execute a bond to the said corporation, in such sum and with such securities as the said board 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 said board certified thereon by the clerk, shall be filed with the clerk. Official bonds.

§ 16. The board of trustees shall, annually, designate a newspaper, printed in said town, in which shall be published all ordinances and other matters which the board of trustees may order to be published, and fix the price for printing such ordinances and other matters. Publication of ordinances.

§ 17. Any person holding an office under this act, who shall fail to deliver to his successor all the town property in his hands, on demand, shall forfeit to the town one hundred dollars, besides all damages caused by his neglect.

#### CHAPTER IV.

##### OF THE BOARD OF TRUSTEES, ITS GENERAL POWERS AND DUTIES.

§ 1. The president and trustees shall constitute the board of trustees of the said town. The board of trustees shall meet at such times and places as they shall, by resolution, direct. The president may call extra meetings of the said board, and, when present, shall preside at all meetings of the said board, and shall have only a casting vote. In his absence, any one of the trustees may be appointed to preside. A majority of the persons elected as trustees shall constitute a quorum. Extra meetings.

§ 2. The president and trustees shall serve without compensation from the city funds.

§ 3. The board of trustees shall judge of the qualification, election and returns of its own members, and determine all contested elections under this act.

§ 4. The board of trustees shall have power to compel the attendance of its own members, and have the management and control of the finances and property belonging to the corporation, and shall, likewise, have power, within the jurisdiction of the town, by ordinance: Miscellaneous powers of the board.

*First:* To restrain and prohibit all descriptions of gambling and fraudulent devices, and all playing of dice, cards and other games of chance, with or without betting.

*Second:* To license, tax, regulate and prohibit billiard tables and all other game tables, pin and ball alleys, and to authorize the destruction and demolition of all instruments and devices used for the purposes of gaming.

Disorderly houses

*Third:* To restrain, regulate, prohibit and suppress tippling houses, dram shops, gambling houses, bawdy houses, houses of ill fame, and other disorderly houses; and to license, restrain, regulate, prohibit and suppress the selling or giving away of any ardent spirits or intoxicating liquors, whether ardent, vinous or fermented, by any person, within the town, (except by persons duly licensed,) except for sacramental, mechanical or medicinal purposes.

Licenses.

*Fourth:* To tax, license and regulate auctions, merchants, peddlers, retailers, grocers, taverns, ordinaries, hawkers, brokers and pawn brokers.

*Fifth:* To tax, license and regulate ferries, hacks, wagons, carts, drays, omnibuses and porters, and fix the rate of charges.

*Sixth:* To license, tax and regulate theatrical and other exhibitions, shows and amusements.

*Seventh:* To authorize the president or other proper officer of the town to grant and issue licenses and determine the fees to be paid therefor. No license shall be granted for more than one year. Not less than one nor more than three hundred dollars shall be required to be paid for any license under this act: *Provided*, the sum of money required to be paid for a license to keep grocery, tavern, and to retail vinous, spirituous, mixed, intoxicating or fermented liquors, need not be uniform; but the board of trustees may, in their discretion, fix the rate for such license, so that the same may be applied to any particular portion of said town, to be specified by ordinance. A bond shall be taken, on the granting of license, for the observing of the ordinances and regulations of the board of trustees.

*Eighth:* To suppress and prevent any riot, noise, disturbance or disorderly assembly.

*Ninth:* To compel the owner or occupant of any grocery, cellar, tallow or soap factory, stable, privy, sewer or other unwholesome, nauseous house or place, to cleanse, remove or abate the same, from time to time, as the health and comfort of the public may require.

*Tenth:* To establish and regulate markets and other public buildings, and determine their location, and license and prohibit butchers, and restrain and punish forestalling.

*Eleventh:* To direct and regulate the storage of gunpowder and other combustible materials.

*Twelfth:* To prevent horse racing and immoderate riding, driving and abuse to animals, and also regulate the rate of speed at which locomotives and railroad cars may be driven in said town.

*Thirteenth:* To prevent the incumbering of streets, alleys, avenues and public grounds, side walks or cross walks.

*Fourteenth:* To regulate the times and places of bathing, and to prevent obscene and indecent exposure of person.



*Fifteenth* : To restrain and punish vagrants, street beggars and prostitutes.

*Sixteenth* : To restrain and regulate or prohibit the running at large of cattle, horses, swine, dogs, sluts, sheep and goats and other animals, and to authorize the distraining, impounding and sale of the same, for the penalty incurred and costs of proceedings. Running at large of stock.

*Seventeenth* : To prevent the running at large of dogs and sluts, and to authorize the destruction of the same when at large.

*Eighteenth* : To make regulations to prevent the introduction of contagious diseases into the town.

*Nineteenth* : To have exclusive power over the streets, avenues, sidewalks and alleys, and to remove and abate any obstructions and encroachments therein, and to compel all persons to keep the snow and ice and dirt from the sidewalks in front of the premises occupied by them. Streets and sidewalks.

*Twentieth* : To prevent the ringing of bells, blowing of horns and bugles, crying of goods, firing of guns, pistols, and prevent all other noises, performances and devices, tending to the collection of persons in the street, and public disturbances.

*Twenty-first* : To abate all nuisances in a summary manner. Nuisances.]

*Twenty-second* : To regulate the burial of the dead and the registration of births and deaths.

*Twenty-third* : To appoint watchmen and policemen, and prescribe their duties and powers.

*Twenty-fourth* : To regulate the inspection and measuring of lumber of all kinds and firewood, and the weighing of coal and hay.

*Twenty-fifth* : To regulate the inspection of flour, meal, pork, beef and other provisions, as well as whisky and other liquors, in barrels, hogsheads and other packages.

*Twenty-sixth* : To appoint inspectors, weighers and gaugers, and regulate their duties and prescribe their fees.

*Twenty-seventh* : To regulate the police of said town.

*Twenty-eighth* : To establish and regulate public pumps, wells, and cisterns, hydrants and reservoirs, sewers and drains, and prevent the unnecessary waste of water. Water.

*Twenty-ninth* : To establish and regulate public grounds.

*Thirtieth* : To provide for lighting the streets.

*Thirty-first* : To provide for inclosing, improving and regulating all public grounds belonging to said town.

*Thirty-second* : To provide for the prevention and extinguishing fires, to organize and establish a fire department and fire companies, and to regulate and to prohibit the erection of wooden buildings in any part of the town. Fires.

*Thirty-third* : To provide for taking the census of the town.

*Thirty-fourth* : To direct and regulate the planting and preserving ornamental trees in the streets and public grounds.

Borrowing of money.

*Thirty-fifth* : To borrow money on the credit of the town, and pledge the revenue of the town for its payment, and issue bonds therefor: *Provided*, the majority of the votes cast at an election, called by the board, to test the will of the people as to the propriety of such loan, shall be in favor of such loan: *Provided, further*, that twenty days' notice of such election shall be given in the corporation newspaper, and by posting notices as of other elections.

*Thirty-sixth* : To do all acts and make all regulations which may be necessary for the preservation of health and the suppression of disease.

Nuisance.

*Thirty-seventh* : To prevent any person from bringing, depositing or leaving within the limits of said town, or depositing or throwing in the Kankakee river 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 the premises any such substances, or any putrid or unsound beef, pork, meat 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 said town.

Ordinances.

*Thirty-eighth* : The board of trustees shall have power 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 said town and trade and business thereof, as may be necessary or expedient to carry into effect the powers vested in the board of trustees or any officer of said town by this act, and enforce observance of all rules, ordinances, by-laws, police and other regulations, made in pursuance of this act, by penalties not exceeding one hundred dollars for any offense against the same. The board of trustees may also enforce such rules, ordinances, by-laws and police and other regulations, as aforesaid, by punishment of fine or imprisonment, or both, in the county jail of said county, in the discretion of the magistrate: *Provided*, such fine shall not exceed one hundred dollars, nor the imprisonment six months. The keeper of such jail shall have the same compensation, per day, for dieting persons committed to said jail by virtue of this act, or ordinances passed by virtue of this act, as in criminal cases; but he shall have no fee for committing or discharging such person. Every such ordinance or by-law imposing any penalty or forfeiture for the violation of its provisions shall, after its passage, be published for two weeks successively in the corporation newspaper of said town; and proof of such publication, by the affidavit of the printer or publisher of such paper, taken before any person authorized to administer oaths, and filed with the clerk of

Fines and penalties.

the corporation, or any other competent proof of such publication, shall be conclusive evidence of the legal publication and promulgation of such ordinance or by-law in all courts and places.

*Thirty-ninth :* The board of trustees shall have power to authorize the construction of mills and mill races and feeders and rail roads, on and through the streets, avenues and alleys, at such places and under such restrictions as they shall think proper.

## CHAPTER V.

### FIRE DEPARTMENT.

§ 1. The board of trustees shall have power, for the purpose of guarding against the calamities of fire, to prescribe the limits within which wooden buildings shall not be erected or repaired, without the permission of the board of trustees, and, generally, to establish such regulations for the prevention and extinguishment of fire as the board of trustees may deem necessary or expedient.

§ 2. The board of trustees shall provide all necessary fire engines and other apparatus for the extinguishment of fires and erect suitable engine houses. Fire engines.

§ 3. The board of trustees shall, also, have power to regulate the construction of chimneys and fireplaces, places of deposit for ashes, to regulate and prevent the use of fire arms and fire works and the erection of manufactories dangerous in causing fires.

§ 4. To appoint, during pleasure, a competent number of firemen, who shall, during the term of service as such, be exempt from serving on juries, and, at the option of such board, may be exempt from working out any road or street tax.

## CHAPTER VI.

### MISCELLANEOUS PROVISIONS.

§ 1. 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 of said town; and in such action it shall be lawful to declare, generally, in debt, for such penalty or forfeiture, stating the section of this act, the by-law or ordinance under which the penalty is claimed, and to give the special matter in evidence under it. The first process, in any such action, shall be by summons, unless oath or affirmation be made for a warrant, as in other cases, and execution may issue immediately, without oath, on the rendition of judgment. Recovery of fines,  
&c.

§ 2. If the defendant in such action have no goods or chattels whereof judgment can be collected, or, having such,



does not pay, or offer to turn out upon such execution property to secure the same, the execution shall require the defendant to be imprisoned in close custody in the county jail in said town one day for each fifty cents of such judgments and costs; and the officer having such execution shall forthwith arrest and imprison such defendant, according to the mandate of such writ or execution.

§ 3. All fines and forfeitures collected for penalties incurred within the limits of said town shall be paid into the treasury of said town by the officers collecting the same, except where it is otherwise provided by ordinance.

§ 4. No person shall be an incompetent judge, magistrate, justice, witness or juror, by reason of his being an inhabitant of said town, in any action or proceeding in which said town is a party in interest.

Publication of ordinances.

§ 5. All ordinances of the town, when printed and published by the authority of the board of trustees, shall be received, in all courts and places, without further proof.

Police magistrates' jurisdiction.

§ 6. The police magistrates elected in said town, by virtue of the general laws of this state, shall have jurisdiction in any action for the recovery of any fine or penalty under this act or any ordinance, by-law or police regulation of the board of trustees.

§ 7. Such magistrates shall have power to fine or imprison, or both, in their discretion, when discretion may be vested in them by an ordinance or regulation of the board of trustees or by this act.

§ 8. Nothing in this act shall be so construed as to vest any court of jurisdiction to abate or remove nuisances in the streets or any other parts of the town or within its jurisdiction, by indictment or otherwise.

Remission of fines

§ 9. Neither the president or the board of trustees shall remit any fine or penalty imposed upon any person for the violation of the laws or ordinances of said town or release from imprisonment unless two-thirds of all the trustees authorized to be elected shall vote for such release or remission.

§ 10. No vote of the board of trustees shall be reconsidered or rescinded at a special meeting, unless at such special meeting be present as large a number of trustees as were present when such vote was taken.

§ 11. The cemetery lots which have or may be laid out and sold by said city, for private places of burial, shall, with the appurtenances, forever be exempt from taxes, assessments, execution or attachment.

Annual statements

§ 12. The board of trustees shall, at least ten days before the annual election in each year, cause to be published in the corporation newspaper a full and correct statement of the receipts and expenditures, from the date of the annual reports, together with the sources from whence the former are derived, and their mode of disbursement, and also a distinct statement of the whole amount assessed, received and

expended in the respective wards for making and repairing roads, 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 town.

§ 13. All officers of the town, created conservators of the peace by this act, shall have power to arrest or cause to be arrested, with or without process, all such persons who shall threaten to break the peace, commit for examination, and, if necessary, detain such persons in custody over night in the watch house, or county jail of said county, or other safe place, and shall have and exercise such powers as conservators of the peace, as the board of trustees may prescribe.

§ 14. All property described in this section, to the extent herein limited, shall be exempt from taxation—that is to say—*First:* All public school houses, houses used for public worship, the books and furniture therein, and the grounds attached to such buildings necessary for the proper occupancy, use and enjoyment of the same, and not leased or otherwise used with a view to profit, all academies, all endowments made for their support, all buildings connected with the same, and all lands connected with institutions of learning and not used with a view to profit. *Second:* All lands used exclusive as grave yards or grounds for burying the dead. *Third:* All buildings belonging to the town, with the grounds on which such buildings are erected. *Fourth:* All personal property belonging to the corporation.

Property exempted from taxes.

§ 15. The board of trustees shall have power to change the boundaries of the wards created by this act, at pleasure, and to create new wards.

§ 16. The trustees of the several wards shall be judges of elections for their respective wards, unless different judges are provided for by ordinance.

Boundaries of wards.

§ 17. The president of said town shall be, *ex officio*, a member of the board of supervisors of said county of Kankakee, having the same rights, powers and duties as a supervisor elected under the general laws of this state.

§ 18. The style of the ordinances of said town shall be, "*Be it ordained by the President and Trustees of the Town of Kankakee City.*"

## CHAPTER VII.

### TAXES AND ASSESSMENTS.

§ 1. The board of trustees shall have power and authority to levy and collect taxes upon the real and personal estate within the limits of said town, not exceeding one per cent. upon the assessed value thereof, and may enforce the payment of the same, in any manner to be prescribed by ordinance, not repugnant to the constitution and laws of this state; and, after such taxes are collected, the board of trus-

Taxes.

tees shall pay all general expenses of the town, and thereafter expend in improvements the remainder of said tax.

Street labor.

§ 2. The board of trustees, by ordinance, may require every male resident of the town, over the age of twenty-one years and under sixty years, to labor, not exceeding three days in each year, upon the streets and alleys and avenues of said town, 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 for each day he shall be so assessed to labor; and such labor and payment shall be in lieu of all labor required to be performed upon any road, street, or alley, by any law in this state; and in default of payment of such money or the performance of such labor, the party thus neglecting shall forfeit and pay the sum of two dollars for each and every day so neglected or refused, to be recovered by the town before the police magistrate or any justice of the peace in said town.

Altering of streets

§ 3. The board of trustees shall have power to alter, vacate, widen, narrow, extend, establish, open, grade, pave or otherwise improve any streets, avenues, lanes, alleys and public grounds of said town; and whenever, in the opinion of the board of trustees, it may be necessary to take private property for opening or altering any public street, alley or avenue in said town, the said town shall make to the owners just compensation and pay or tender the same before opening or altering such street, avenue or alley; and in case the amount of such compensation cannot be agreed upon, the same shall be ascertained by six disinterested freeholders of said town, who shall be summoned by the president for that purpose, and sworn to make a just estimate of such damages, and shall return to him their inquest, in writing, signed by each of such jurors, and by him be laid before the board of trustees at its next meeting.

Assessment of damages.

§ 4. In the assessment of such damages, the jury shall take into consideration the benefit as well as the injury resulting to the owner or owners of property proposed to be taken for opening, extending, widening or altering such street, avenue or alley, and shall assess upon the property by them deemed benefited by the opening, extending, widening or altering such street, avenue or alley the damages by them assessed therefor in ratable proportions, and the board of trustees shall issue their warrant for the collection of the amount against the owners of the land, so benefited, to the collector of the town. The amount so assessed is hereby declared a special tax and a lien upon the lands so reported to be benefited thereby, and may be collected in the same manner as other corporation taxes; and should the owner of any land upon which any special tax is assessed be unknown, he may be so described in all proceedings to assess and collect the same.



§ 5. And in case the tax upon the land so to be benefited by the opening or altering of such street, avenue or alley be not sufficient to cover the damages occasioned thereby, then the town shall pay the residue.

§ 6. The president 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, or either party may appeal to the circuit court of said county, in the same manner as is provided in this act in other cases. Setting aside of inquest.

§ 7. The board of trustees shall have power, by ordinance, to levy and collect a special tax on the lots in any street, lane, avenue or alley, according to their respective fronts, for the purpose of building sewers, waterways, and for paving, flagging, grading or planking any sidewalk, avenue or street to the center of the same, or lighting such sidewalk, street, avenue or alley; but the lot in front of which any such walk, sewer or water way is made shall be taxed to pay at least one-half of the expense of making such sidewalk, sewer or waterway, and also may, in their discretion, tax the lot in front of which any street, avenue or alley shall be ordered to be paved, graded or planked to the center of the same, at the sole expense of the lot, in addition to the regular tax, which shall be assessed and collected in the same manner as other taxes. Sewers, &c.

§ 8. In all cases, under the ordinances of said town, changes of venue and appeals shall be allowed as in other cases before justices of the peace; and the said town shall be allowed to appeal in any case in which they are a party, by causing their clerk to execute a bond, in the corporate name of said town, in the form now or which may hereafter be prescribed by law in other cases, without other security; and an order, entered upon the records of the board of trustees directing such appeal, shall be sufficient authority for the same. Changes of venue, &c.

§ 9. The said town shall not be required to give security for costs, on the institution or after the institution of any suit authorized by it to be commenced under the provisions of this act. Costs.

§ 10. The board of trustees shall have power, by ordinance, and may, from time to time, fix upon and prescribe the manner of selling property, when the tax levied upon it is not paid: *Provided*, that in conducting said sale, the provisions of the law concerning public revenue, so far as the same may be applicable, shall be complied with: *Provided, further*, that the real property sold for the nonpayment of taxes may be redeemed, by any person interested in the same, within two years after the same shall have been sold, on paying to the said clerk double the amount for which the same was sold and all taxes assessed for town Property sale for taxes.

purposes which may have been paid by the purchaser at and since such sale, with legal interest thereon to the time of such redemption, together with all other taxes levied by virtue of the general laws of this state, paid by said purchaser, and, thereupon, the said town clerk shall furnish the person so redeeming a certificate of such redemption, specifying the amount paid and the land redeemed, which certificate shall be *prima facie* evidence, in all courts, of the facts therein contained.

§ 11. It shall be the duty of the said clerk to pay over all such redemption money to the treasurer.

Collection of fines

§ 12. The board of trustees may provide, by ordinance, that the fines, penalties, forfeitures or punishment by imprisonment, for the violation of any ordinance made under this act, may be recovered and enforced by indictment, in the circuit court of said Kankakee county, anything in this act to the contrary notwithstanding.

Election of officers.

§ 13. The president and trustees of the town shall, after the passage of this act, take measures to promulgate the same within the limits of the town, and issue their proclamation for the election of officers, and cause the same to be published in one or more of the newspapers in said town at least one week prior to the day of election for said officers. The first election under this act shall be held on the second Tuesday of April next; and it shall be the duty of the president and trustees to fix the place of election in each ward, and receive and canvass the returns, and declare the result of such election.

Bridge over Kankakee river.

§ 14. Nothing in this act contained shall make it imperative upon the inhabitants of said town, in their corporate capacity, to build any bridge across Kankakee river.

Interest on warrants.

§ 15. Whenever a warrant mentioned in section seven of chapter three of this act shall be presented to the treasurer for payment, and there is no funds in the treasury for the payment thereof, the treasurer shall indorse on such warrants the time of presenting the same, and the sum of money mentioned in such warrant shall draw interest at the rate of six per cent. per annum until paid.

§ 16. The board of trustees shall meet, regularly, for the transaction of business, on the third Monday of April, July, October and January, in each year, and oftener, if the board shall deem it necessary.

§ 17. Nothing herein contained shall be so construed as to vest any officer elected or appointed by virtue of the act to which this is an amendment until the regular election, herein provided for, nor until the officers elected by virtue of this act shall have qualified. Nor shall this act be so construed as to repeal any ordinance or by-law passed by virtue of the said act to which this is an amendment, but such ordinances and by-laws shall continue in force and have

the same effect as if passed by virtue of this act, and shall continue in force until repealed by said board of trustees.

§ 18. It shall be the duty of the president of said town, at the first regular meeting of said board in each year, to appoint one trustee for each ward in said town, as overseers of the poor in said town for the ensuing year. Said trustees shall constitute a board of relief, to whom all persons residing in said town, in actual want and requiring assistance, may apply for the same. Said board of relief shall receive all their powers and instructions from the board of trustees, by ordinance.

Trustees of each ward.

§ 19. This act is hereby declared to be a public act, and shall be in force from and after its acceptance by the people, and shall be liberally construed in all courts, for the objects and purposes therein contemplated.

This act to be submitted to a vote of the people, at an election, to be held for that purpose, by order of the board of trustees.

APPROVED February 22, 1861.

AN ACT to amend an act entitled "An act to incorporate the town of Keithsburg," approved February 16th, 1857. In force February 22, 1861.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the subscription of twenty thousand dollars to the capital stock of the Warsaw and Rockford Railroad Company, made June 8th, 1857, by said corporation, under and by the style and designation of "Incorporation of Keithsburg," payable in town bonds, is hereby fully legalized and confirmed; and the bonds already issued by said corporation, in part payment of said subscription, are hereby declared valid. The president of said town is hereby fully authorized and empowered to execute and issue the bonds of said town in payment of so much of said subscription as remains unpaid, under his hand and the seal of said town; said bonds to run for a period not exceeding twenty years, at an interest not exceeding ten per cent. per annum, payable semi-annually; and for the payment of said bonds and the interest thereon, as the same becomes due, the faith of said corporation shall be fully pledged and bound. The president and trustees of said town are hereby fully authorized and empowered to make provision for the payment of said bonds, the interest now due upon those heretofore issued, and the interest that may hereafter accrue, by levying a special tax upon the real and personal property within the limits of said corporation, to be collected in the same manner as the other taxes of said corporation.

Subscription legalized.



License.

§ 2. That the president and trustees of the town of Keithsburg are hereby fully authorized and empowered to license, regulate, suppress and prohibit the selling, bartering, exchanging and traffic in any wine, rum, gin, brandy, whisky or other intoxicating liquors, within the limits of said town; that all moneys received for licenses shall be paid into the treasury of said town; and that all licenses to sell intoxicating liquors, in the limits of said town, heretofore granted by said president and trustees, be and the same are hereby fully legalized and confirmed.

House of correction.

§ 3. That the president and trustees are hereby authorized to establish a house of correction in said town, and make all necessary rules and regulations in relation thereto; to appoint all necessary officers therefor; to provide for the confinement therein of all vagrants, stragglers and idle or disorderly persons; and any person or persons who shall fail or neglect to pay any fine, penalty or costs, imposed for breach of any ordinance of said town.

§ 4. That so much of the tenth section of the act to which this act is an amendment, as reads "jail of the county," be so amended as to read "house of correction of said town."

§ 5. That so much of the act to which this act is an amendment as is inconsistent with this act be and the same is hereby repealed.

APPROVED February 22, 1861.

In force February 18, 1861.

AN ACT to amend an act entitled "An act to incorporate the town of Lincoln," approved February 8th, 1857.

Riots, &amp;c.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That in addition to the express powers conferred upon the president and trustees of the town of Lincoln, in the act to which this act is an amendment, they shall likewise have power to prevent and punish riots, routs, affrays, assaults, assaults and batteries, breaches of the peace, disturbances of worshipping assemblies or deliberations or proceedings of public meetings, disorderly interruptions of any public lectures or licensed exhibitions, all indecent or obscene exhibitions or practices, and other disorderly conduct within the limits of the corporation: *Provided*, that no person shall be deprived of the right of trial by jury in any case where such person would be entitled to such trial for like offenses against the laws of the state.

Payment of fines in labor, &amp;c.

§ 2. *Be it further enacted,* That in addition to the power bestowed upon the president and trustees, in the nineteenth section of the charter of the town of Lincoln, empowering

them, in certain cases, to commit offenders to the county jail, they shall have power to either commit such offenders to said jail, the town jail, or to compel them to labor out their fines in the public work house or on the public streets of the said town of Lincoln, in such manner as the president and trustees may provide for by ordinance: *Provided, however*, that no person, so committed or compelled to labor, shall be allowed a less sum than one dollar per day for every day he may faithfully work.

§ 3. *Be it further enacted*, That at the next annual election for town officers, and at every annual election thereafter, there shall be elected, at the same time and in the same manner as provided in the third section of the act to which this act is an amendment, for the election of trustees for said town of Lincoln, a president of the board of trustees for said town, who shall possess the same qualifications as are required of a trustee by the said third section of the charter of the town of Lincoln; and said president of the board shall be qualified in the same manner and hold his office for the same length of time as do the trustees; and said president, when so elected, shall succeed to all the rights, privileges and immunities heretofore and now possessed and enjoyed by the justice of the peace in his *ex officio* capacity as president of the board of trustees for said town of Lincoln, and he shall, also, incur all the responsibilities, perform all and singular the duties, in every respect, heretofore and now enjoined upon and required of said justice, in his *ex officio* capacity as president of said board, and thus from and after the next ensuing annual election of officers for said town, in every respect supersede in the office of president of the board of trustees, said justice, so that from that time henceforth said justice of the peace shall not be *ex officio* president of said board; and that each and every part of the act incorporating said town of Lincoln, containing such provision, be and the same are expressly repealed by the provisions of this act.

President of  
board.

§ 4. *Be it further enacted*, That, hereafter, the justice of the peace whose election is provided for in the act to which this act is an amendment shall, instead of one year only, hold his office for the term or time of four years and until his successor in office shall be elected and qualified.

§ 5. *And be it further enacted*, That the jurisdiction, power and authority of the town constable, for the town of Lincoln, be and the same are hereby extended and made concurrent with all other constables of Logan county elected under the general state law.

Town constables.

§ 6. This act to be deemed a public act, and be in force from and after its passage; and that all acts and parts of acts, not consistent or in conflict with this act, be and the same are hereby expressly repealed.

APPROVED February 18, 1861.

In force February  
21, 1861.

AN ACT to further amend "An act to incorporate the town of Lewistown," approved February 16th, 1857.

Police justice.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That there shall be elected in the town of Lewistown, by the qualified voters thereof, on the first Monday of April, A. D. 1861, and on the first Monday of April, quadrennially, forever thereafter, a police justice, who shall hold his office for four years and until his successor is elected and qualified.

Town constable.

§ 2. There shall also be elected in said town, by such voters, on said first Monday of April, 1861, and, on the first Monday of April, biennially, forever thereafter, a town constable, who shall hold his office for two years and until his successor shall be elected and qualified.

§ 3. The first section of the third article of the act to which this is an amendment is hereby repealed.

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

APPROVED February 21, 1861.

In force February  
22, 1861.

AN ACT to incorporate the Town of Lane.

Corporate name  
and 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 Lane, in Ogle county, are hereby constituted a body politic and corporate, to be known by the name of "The President and Trustees of the Town of Lane;" and by that name shall be known in law, and have perpetual succession; may sue and be sued, implead and be impleaded, defend and be defended, in courts of law and equity, in all matters and actions whatsoever; may purchase, take, receive and hold personal property and real estate, within the limits of the corporation, but not elsewhere; may lease, sell and convey the same; and do all other lawful acts within the scope of this act of incorporation as natural persons may do; may have a common seal, and break and alter the same at pleasure: *Provided*, no land shall be sold by them which has been conveyed to or is held by the corporation for streets, alleys, lanes, public grounds or squares.

Boundaries.

§ 2. All that portion of the south half of section twenty-four, in township forty, range one east of the third principal meridian, in Ogle county, which has heretofore been laid out into town lots, blocks and out lots, either originally or as additions to the said town of Lane, and recorded in the recorder's office of said county of Ogle, is hereby declared to be within the limits of the corporation hereby created: *Provided*, that the board of trustees may extend



the limits of said incorporation not to exceed one mile square of land.

§ 3. The corporate powers and duties of said incorporation shall be vested in five trustees, who shall form a board for the transaction of business. The first board of trustees, assessor, constable and justice of the peace, shall be elected on the second Monday in March next, and thereafter shall be elected annually, except the justice of the peace, who shall hold his office for the term of four years, as provided in section ten, of this act, on the second Monday in March, in each and every year, to serve for one year and until their successors are elected and qualified; they shall be citizens of the United States, twenty-one years of age, shall possess a freehold estate within the limits of the incorporation, and shall have resided therein at least one year next preceding the election. No failure to elect trustees on the day appointed shall operate as a dissolution of the corporation, but such election may be held on any subsequent day, upon five days' notice, given by any five legal voters of said town, or the clerk of the board of trustees, in such manner as the board of trustees shall by ordinance direct, may call such election. To trustees.

§ 4. The board of trustees shall appoint their president from their own body, who shall preside at the meetings of the board; and in case of absence or inability to serve as the president, the trustees present shall have power to elect a president *pro tem.* from their own number. The board shall be judges of the qualifications, elections and returns of their own members. A majority of the trustees shall constitute a board to do business, but a smaller number may adjourn from day to day and may compel the attendance of absent members, in such manner and under such penalties as they shall provide. The board of trustees shall determine the rules of proceeding and order of business before them, punish their members or other persons for disorderly conduct before the board while in session, and by a vote of four-fifths of the whole number elected expel a member, for good cause shown; and make such other rules and regulations for their own government, as to them may seem meet, proper and expedient; and in case of death, removal from the limits of the incorporation, neglect for the space of three months together to serve, or refusal to serve, to be signified in writing to the board, or any member or members of the board, the remaining members may appoint to fill the vacancy thereby occasioned. President.

§ 5. No person shall vote at any election of officers of said incorporation unless he be qualified to vote for representatives to the general assembly, and shall have resided within the limits of said incorporation for three months next preceding the election. No person shall be appointed or elec- Qualification of voters.

ted to any office under this incorporation unless he be at the time entitled to vote at all elections under this act; and all such elections shall be by ballot, and tie votes shall be decided by lot in the presence of the board of trustees.

Clerk, treasurer,  
&c.

§ 6. The board of trustees shall, annually, at the next regular meeting after their election or as soon thereafter as may be, appoint a clerk of the board of trustees, a treasurer, and such other officers, from time to time, as they may deem necessary, and for such term as they shall by ordinance direct, not exceeding one year. An assessor and constable of said incorporation shall be elected at the same time and in the same manner and for the same term as trustees shall be elected, as provided in this act. The board of trustees shall have power to define and regulate the duties of the officers of the incorporation, in such manner and under such penalties as they shall deem proper, and to provide for their compensation.

§ 7. The board of trustees shall have power and they are hereby directed to require of said clerk, treasurer, assessor and constable to take an oath of office and file the same with the clerk, and give bond, with sufficient security, to be approved by said board of trustees, well and truly to perform the duties of their respective offices, as shall be required of them by law or the ordinances of said town, from time to time, and in such penalties as the board of trustees shall direct; all such bonds to be given to said incorporation by its corporate name.

§ 8. The board of trustees shall have power to borrow money on the credit of the town: *Provided*, that the amount of money borrowed and the indebtedness of the incorporation on account of money loaned shall at no time exceed five hundred dollars, and at a rate of interest not exceeding seven per cent. per annum.

Misuse of funds.

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

General powers  
of the board.

§ 10. The board of trustees shall have power to make regulations to secure the general health of the inhabitants; to declare what shall be nuisance, and prevent and remove the same; to provide the town with water, and dig wells, erect hydrants and pumps in the streets for the convenience of the public; to open, alter, extend, establish, grade, plank, pave and in any other way or manner improve and keep in repair streets, avenues, lanes and alleys, sidewalks, crosswalks, drains and sewers; to provide for the erection of all needful buildings, for the use of the town; to provide for inclosing, improving and regulating all public squares or places within or belonging to the incorporation; planting trees in the streets and public squares, for ornament or shade and the

protection of the same; or restrain or prohibit shooting, horse racing, indecent exposure of horses and persons, houses of ill fame, gaming and gaming houses, and other disorderly houses, and to suppress the same; to provide for taxing, licensing and regulating theatrical or other shows and amusements, for the admission to which money or anything is charged; to regulate and license merchants, auctioneers and peddlers; the exclusive power to regulate, prohibit or license the selling of spirituous, vinous and malt liquors of any kind, within the corporate limits; to restrain and prohibit the running at large of any horses, cattle, sheep, swine, goats or dogs, within said corporation; to erect market houses, to establish markets and market places, and provide for the use, government and regulation thereof; to fix the rates to be charged for the carriage of persons and property, within the limits of said incorporation, by carriages, wagons, sleighs or drays; to provide for the preservation from the extinguishment of fires; to establish and regulate a fire department; to regulate the storage of gunpowder and all other combustible materials; to regulate the sale of game; to regulate the speed at which railroad locomotives and cars shall be driven or horses rode or driven through said incorporation; to regulate the police of the town; to regulate the election of officers of the incorporation; to provide for their compensation, except that the board of trustees shall not receive any compensation for their services as such, and shall be incompetent to hold any other corporation office during the term for which they may have been elected trustees, having accepted of such office of trustee; to provide for the inspection and weighing of hay and coal, the measurement of charcoal, firewood or other fuel, to be sold or used within the incorporation; to make all such ordinances, from time to time, and alter, amend and repeal the same, as shall be necessary to carry into effect and execution the powers specified in this act, so that the same be not inconsistent herewith nor with the laws or constitution of the United States or of this state; to impose fines, forfeitures and penalties for the breach of any ordinance of the incorporation, and to provide for the recovery and appropriation of any such fine or forfeiture, and the enforcement of any such penalty; to provide for the infliction of fines or penalties upon any officer of the incorporation neglecting or refusing to perform any duty or act required of such officer in this act to be done; to cause, from time to time, a census of the inhabitants of said town to be taken, and in their discretion to divide said town into wards, and designate the number of trustees that each ward shall be entitled to; to provide for the election of one justice of the peace from the legal voters of the incorporation, at the election of the board of trustees by the legal voters of the town, who shall hold his office for four years and until his suc-

Taxes and licenses.

Officers of the town.

Ordinances.

Justices of the peace.



cessor is elected and qualified, returns of which election shall be made by the clerk of the town; and such justices shall be commissioned by the governor, give bonds, to be filed in the town clerk's office, and running to the board of trustees of the town, and in all other respects be qualified and conform to the general laws of the state providing for the election and qualification of justices of the peace, and shall have the same jurisdiction, power and authority, and perform all such acts and duties as are or may be by laws of this state vested in or required of justices of the peace at and within said county of Ogle. And in case of death, removal from the incorporation, incapacity or refusal to serve of any justice of the peace elected under this act, to provide for the fulfilling the vacancy.

Regular meetings.

§ 11. The regular meeting of the board of trustees shall be on the first Monday of every month, at such time, on said days and place as by ordinance they shall designate, and they may provide for the holding of adjourned and special meetings.

Taxes.

§ 12. The board of trustees shall have power to levy, annually, at the first regular meeting of the board, after their election, or such other time as they may designate, and collect taxes for the incorporation upon all real estate within the limits of said corporation, and upon all personal property of the inhabitants of the town, within said town, not exceeding one per centum upon the assessed value thereof. In making such assessment the assessor shall be governed by the laws of this state directing the assessing of property for state and county purposes, for the time being, as near as may be, and so as not to conflict with the provisions of this act: *Provided*, that the trustees may adopt the then last assessment made under the general laws of the state. The assessor, after having made his assessment roll, shall deposit the same with the clerk of the board of trustees, who shall note thereon the time of such deposit for inspection of any and all persons interested, for the space of ten days, posting up notices in four of the most public places in said town that said roll is so left for inspection, and shall, upon the lapse of said ten days, attach to said assessment roll his affidavit, stating therein the time of depositing said roll with said clerk as aforesaid and the time of posting said notices. The clerk shall file and carefully preserve said roll in his office; and all taxes levied upon real estate are declared to be a lien on the real estate upon which the same are assessed, from and after such roll is deposited with said clerk as aforesaid, until paid.

inspection of assessments.

§ 13. It shall be the duty of the clerk of the board of trustees, within five days thereafter, to post up notices in four of the most public places in said corporation, and also insert such notices in a newspaper, should there be one published in said town, that at a place and on a day to be therein

named, not more than two weeks from the time of said depositing, as provided in section twelve (12,) of this act, the board of trustees will meet for the purpose of inspecting said assessment, when and where it shall be the duty of the board of trustees to meet and hear and investigate, under oath of the parties complaining, to be administered by the clerk of said board, any complaints that the party complaining is charged with property which did not belong to him or her at the time the same was assessed, or that his or her property is assessed too high; and shall in all such cases so alter or amend, or not, said roll, as to them shall seem right: *Provided, however,* that if a regular meeting of the board of trustees will happen at any time within three weeks after the filing of said roll, then it shall not be necessary to have a special meeting convened, as above, but the matters specified in this section may be acted upon at such regular meeting.

§ 14. After such assessment roll shall have been before the board of trustees for its action thereon, as above provided for, and after making such alterations therein as they may deem necessary, under the preceding section, it shall then be the duty of the board to cause a warrant to be issued, under the seal of the corporation, and signed by the president and clerk of said board, directed to the town constable, with a copy of said assessment roll attached, commanding him to proceed and collect the same, within ninety days after the date thereof; and in the collection thereof, the said town constable is vested with the same powers, and to be exercised in all respects in the same manner as collector of taxes are, in and by the act to provide for township organization, as far as the same shall be applicable.

Issuing of warrants.

§ 15. It shall be the duty of the constable to pay to the treasurer of the town all moneys collected by him deducting his per centage, from time to time, as fast as collected, and to make returns, in writing, thereof to the clerk of said board, under oath; showing, first, the amount of money and on what account collected by him; secondly, the taxes on personal and real estate specifically, as in the warrant, and making separate returns of the personal and of the real estate upon which taxes remain unpaid.

Constable's duties

§ 16. The town constable, with his sureties, shall be liable for all taxes that, by use of due diligence, he might have collected, and shall fail so to do.

§ 17. It shall be the duty of the town clerk to file in the office of the county clerk of Ogle county, a copy, certified under the corporate seal of the incorporation, of the return of the town constable, showing the real estate upon which taxes remain unpaid, at least five days before the first day of the next term of said court which shall be holden after the return of said warrant, and filing the same in his office, and shall cause a notice of an application to be made to

Delinquent lists.

said county court, for an order to sell the same for nonpayment of taxes and costs, and the time and place of such order to be published in the same manner as required by law for the sale of real estate for nonpayment of state and county taxes; and the county court shall thereupon proceed to dispose of the matter in the manner and as is required by the law in such cases.

§ 18. The town constable shall make the sale under the order of the county court, provided for in the above section, and the clerk of the county court shall keep a record of such sale, file the same in his office, in a book to be provided for that purpose, issue certificates to the purchasers; and said officers shall, in all things in and about said sale, comply, as near as may be, with the provisions of the laws for the time being, directing sales of lands for nonpayment of state and county taxes.

Redemptions.

§ 19. When any real estate in said town shall be sold, as is herein provided, for nonpayment of taxes, the same shall be subject to redemption by any person interested therein, within two years after the same shall have been sold, on paying to the clerk of the incorporation double the amount for which the same may have been sold, and all taxes assessed for corporation purposes, which may have been paid by the purchaser at such sale since such sale, with legal interest thereon, from the time of such payment to the time of such redemption; and thereupon the clerk of the county court shall make out to the person so redeeming a certificate, under his hand and the seal of the said court, specifying the lands redeemed, the time of redemption, the moneys paid, and by whom; which shall be *prima facie* evidence, in all courts whatsoever of the acts therein stated. The clerk shall pay such moneys to the treasurer of the town, taking and filing his receipt therefor, and the treasurer shall deposit the same in the town treasury, for the use of the purchaser at such sale, to be paid out to him or his assigns, on demand therefor and receipts given.

Tax titles.

§ 20. Taxes and all costs made thereon may be paid at any time to the town constable before the sale of the land for nonpayment thereof. In case any real estate sold under the provisions of this act shall be and remain unredeemed, as above provided, at the expiration of two years from the date of such sale, a deed shall be made out and signed by the president and countersigned by the clerk of the county court, under the seal of said court, and duly acknowledged by said officers, conveying the land to the purchaser or his assigns, or his or their heirs or assigns, upon proof of such notice to the owner of the land as is required by the constitution and laws of this state, of the sale of land for nonpayment of taxes.

§ 21. Lands situated in said corporation shall not be liable to be assessed for road taxes under the general laws of the state on that subject.



§ 22. Officers acting under this act of incorporation of the sale of lands for the nonpayment of taxes, and in all proceedings precedent and consequent to the order to sell the same, shall be entitled to the same fees as shall be allowed by law for similar services under the revenue laws of this state, and the same shall be a charge upon land, taxed and included in the order of the court directing such sale as is provided in said laws. Private property shall not be taken for the opening, widening or altering of any public street, lane, avenue or alley, unless upon petition, signed by thirty legal voters of said town, and notice given by publication in a newspaper, or by posting the same in four public places, of the time and place of the presentation thereof to the board of trustees, who shall proceed to hear and determine the matter at such time, or adjourn the matter to such time as by them shall be thought proper; such notice to be given at least ten days before the time of presentation of such petition.

Fees of officers.

§ 23. When it shall be necessary to take private property for opening, widening or altering any public street, lane, avenue or alley, the corporation shall make just compensation for damages to the person whose property is so taken; and if the amount of such compensation cannot be agreed upon, the board of trustees of said town shall select, by ballot, five commissioners, legal voters of said corporation, and not directly interested in the question, who shall proceed, having been first duly sworn, to make assessment of such damages fairly and according to law, to examine the premises, and hear all parties interested in the matter who may appear before them. They or a majority of them, shall make out their award in writing, and return the same to the board of trustees, under their hands and seals, with a certificate of the oath by them taken; and in case they, or any three of them, shall be unable to agree upon any award, they shall be discharged by the board and other commissioners in like manner selected in their place. They shall also assess upon the property in the town by them deemed benefited by the opening, widening or altering such street, avenue, lane or alley, the damages by them assessed therefor, in ratable proportion, and report the same with their assessment; and the board of trustees shall issue their warrant for the collection of the same against the owners of the land so reported to be benefited, to the town constable, and the same is hereby declared to be a special tax and a lien on the land so reported to be benefited, and may be collected in the same manner as other corporation taxes are. An appeal may be taken from the award for damages, made by said commissioners, by the board of trustees or the owner of the property so taken, to the circuit court of Ogle county, in the same manner and with the same effect as in case of appeal from a judgment of a justice of the peace;

Taking of private property.

Right of appeal.

the bond on such appeal to be filed with the county clerk. And the proceedings of the county court on such appeals shall be the same as in case of appeal from judgments of justices of the peace. Either party to such appeal shall have the right to have the same tried by a jury, who shall assess the amount of damages sustained by the owner of the property taken as aforesaid; and the circuit judge shall determine the amount of the costs to be paid, and may apportion the same between the parties, as he shall think just and proper. The amount of the damages assessed by the jury or the court on such appeal, shall be assessed by the board of trustees upon the property deemed and reported by the said commissioners to be benefited by the opening, widening or altering of such street, avenue, lane or alley, in ratable proportion, according to the valuation thereof, adopted by such commissioners; and the warrant of the board of trustees shall be issued by them for the collection of such damages, as in case no appeal had been taken.

§ 24. Should the owner of any land upon which any special tax be assessed under this act, be unknown, he may be so described in all proceedings to assess and collect the same.

Damages.

§ 25. In ascertaining the amount of compensation for damages to be allowed to the owner for his property taken for opening, widening or altering any street, lane, avenue or alley, the commissioners' court or jury shall take into consideration the benefit as well as the injury happening by such opening, widening or altering such street, lane, avenue or alley, and if the benefits exceed the injury shall so report or find.

§ 26. The board of trustees for may, for good cause shown, and application filed in the office of the board, within ten days after the return of the commissioners appointed under this act, open and set the same aside, and cause another assessment to be made by the same or other commissioners.

Special tax.

§ 27. The board of trustees shall have power to provide, by ordinance, for the assessing, levying and collecting a special tax on the owners of lots in any street, lane, avenue or alley or part or parts thereof, according to the respective fronts owned by them thereon, for the purpose of paving, grading, planking and making, in such manner as the board shall direct, sidewalks and crosswalks, in such street, lane, avenue or alley, or part or parts thereof; which tax is hereby declared to be a lien on the land in reference to which it is assessed, until paid, and to be a special tax, to be collected as other corporation taxes are.

Sidewalk repairs.

§ 28. The owners of lots shall be allowed a reasonable time, to be ascertained by ordinance, within which to make or repair such sidewalk or crosswalk, under the direction of the board of trustees, in front of the lots owned by them; and in case of failure to make or repair the same, within

such time, the board of trustees are authorized to cause such making or repairing to be done, and assess and collect the necessary expenses thereof, in manner herein provided.

§ 29. All special taxes remaining unpaid, shall be returned by the town constable, in manner hereinbefore stated, as to general taxes, and shall be annually reported to the county court, at the same time; and in all respects, the proceedings to procure a sale of the land for nonpayment thereof, shall be conducted in the same manner that is herein provided to procure a sale of real estate for general taxes remaining unpaid, and subject to sale and redemption in the same manner.

§ 30. The inhabitants of the said corporation are hereby exempted from working poll tax for road labor, and from all highway and road taxes whatever, otherwise than under the provisions of this act. The board of trustees, to aid them in keeping bridges, streets, lanes, avenues and alleys in repair, in said town, shall have power to require every male inhabitant residing within the limits of the corporation, over twenty-one years of age, and not incapacitated by sickness or other infirmity, from manual labor, to labor on said streets, bridges, lanes, avenues or alleys, not exceeding three days in each and every year; and any person failing to perform such labor according to the ordinances of the town in that behalf from time to time enacted, shall forfeit and pay such fine as the board of trustees shall direct: *Provided*, that the board of trustees may provide for the commutation of such labor. Road labor.

§ 31. The board of trustees shall have exclusive jurisdiction and control over all bridges, streets, avenues, lanes and alleys and public highways at and within the incorporation, and the opening, repairing and making the same. Bridges, streets, &c.

§ 32. The board of trustees shall have power to provide for the punishment of offenders, by imprisonment in the town or county jail, in all cases where such offenders shall fail or refuse to pay any fine or forfeiture recovered against them for breach of any ordinance of the town: *Provided*, such imprisonment shall not be of a longer duration than twenty-four hours for every three dollars of such fine and costs.

§ 33. Justices of the peace of the county of Ogle residing within the limits of said corporation, shall have jurisdiction of all suits and processes brought and issued for the recovery of any fine or to enforce any penalty for breach of any ordinance of said corporation; and constables of said county, residing within the limits of said corporation, shall have power and authority to serve and execute all processes issued in any such suits, to be brought and judgment rendered therein, and the same collected and enforced in the same manner as is provided by the laws of this state Justices' jurisdiction.



in similar cases, the right of trial by jury to either party demanding the same.

§ 34. No fine for breach of any ordinance of the said town shall exceed one hundred dollars, nor imprisonment for like offense twenty days.

Recovery of fines,  
&c.

§ 35. All actions for fines, penalties and forfeitures occurring for the breach of any ordinance of said town shall be instituted and prosecuted in the name of "The President and Board of Trustees of the Town of Lane," upon complaint of any person before any justice of the peace residing in said town, by action of debt. The ordinary process shall be by summons; but in cases where the party complaining shall state, under oath, that he has good reason to believe the party accused to have committed a breach of an ordinance of the corporation, and that the party accused is about to abscond or depart without the limits of the county, or has so absconded or departed, then the justice of the peace may issue his warrant to bring the party accused forthwith before him, to answer such complaint; and in that case the party accused shall remain in the custody of the officer until the suit is disposed of, and the fine and costs, if any, imposed on him be paid, or otherwise discharged, according to law, unless he shall enter a recognizance, with good security, before final judgment in the case before the justice of the peace, to the corporation, in double the amount of the penalty that may be inflicted upon him in the suit, conditioned that he will pay the judgment and the costs that may be rendered against him therein; and, in default of such bail, the officer may commit the party accused to the common jail of the county, for safe keeping, while the cause is not being tried. The justice of the peace shall grant but one continuance, on the application of the plaintiff in the suit, in cases where the accused is under arrest. The recognizance shall be filed in the office of the justice, and in case of forfeiture shall be transmitted by him to the clerk of the board of trustees.

§ 36. Appeals and writs of *certiorari* shall be allowed in all cases, both on the part of the corporation and the defendant, in all suits brought to recover any fine, penalty or forfeiture for the breach of any ordinance of said town, from the judgment of a justice of the peace to the circuit court of Ogle county, to be taken and granted in the same manner and with like effect as appeals and writs of *certiorari* from judgments of justices of the peace in other cases.

Appeals.

§ 37. The town constables shall have the same general jurisdiction and authority, within the county of Ogle, that other constables of said county have, and shall be subject to the same liabilities, and shall have exclusive authority to collect all general and special taxes levied by said corporation.

§ 38. No money shall be paid out of the treasury of the said corporation, save upon resolution of the board of trustees, specifying to whom and upon what account the same is paid out, on order made by the clerk, signed by the president, and countersigned by the clerk, drawn in pursuance of such resolution. All taxes of said town shall be collected in gold and silver, or the notes of Illinois stock secured banks, as the trustees may direct; and the orders on the treasurer aforesaid, and all moneys belonging to the town, shall be deposited and remain with the treasurer until drawn out in the manner above provided.

Disbursement of money.

§ 39. The board of trustees, annually, at least two weeks prior to any general election for officers under this act, shall make out and enter upon their records a full and complete statement of the fiscal affairs of the corporation, showing, item by item, all moneys received, from whom, to whom paid, and on what account; also all moneys expended and paid out, and to whom and on what account; and the then indebtedness of the corporation and on what account; the amount of orders on the treasury then outstanding, to whom payable, and on what account; a copy of which shall be published in a newspaper in said town, at least one week prior to said election, or, if none be published, then posted up in some public place one week prior to such election. And for willful neglect or for refusal on the part of said trustees or any member thereof, to cause such statement to be made, as herein provided, he or they shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be fined in a sum not exceeding one hundred dollars.

Annual statement.

§ 40. All persons, members of any fire company organized under the ordinances of said corporation, shall, during the time of such membership, be excused from serving in the militia, unless in cases of actual invasion or insurrection, and from sitting on juries, and, after serving seven years as such fireman, consecutively, and receiving a certificate to that effect, under the seal of the corporation, shall thereafter continue to be so exempt. No person shall be disqualified as a witness or juror in any suit or proceeding wherein the corporation may be a party or interested, in consequence of being an inhabitant of said town, or member or officer of said corporation.

Exemption from certain duties.

§ 41. The first election of trustees shall be held at the office of S. Hamaker, in said town of Lane, and shall be opened at nine o'clock in the morning, and continue open until five o'clock in the afternoon of the day. The electors present at the opening of the polls shall elect two of their number to officiate as judges, and one to act as clerk, who shall be sworn, and in all things shall conduct such election as is required by the general election laws of this state; shall canvass the votes and make certificates, under their hands and seals, of the persons elected, and deliver the same to them, and

Election of trustees.

make returns of the poll book, and certificate attached, to the clerk of the board of trustees, when he shall be appointed and enter upon the duties of his office.

§ 42. The title, "town clerk," when used in this act, shall be held to mean, in all cases, the "clerk of the board of trustees."

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

APPROVED February 22, 1861.

In force February 18, 1861. AN ACT to incorporate the Town of Metamora, in the county of Woodford, and to legalize the election for town officers therein.

Boundaries.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the inhabitants and residents of the town of Metamora, in the county of Woodford, are hereby constituted and declared a body corporate and politic, by the name and style of "The President and Trustees of the Town of Metamora;" that the said town shall consist of and include in its boundaries the tracts of land known as the south half of section seventeen and the north half of section twenty, in township twenty-seven north, in range two west of the third principal meridian; and whenever any tract of land adjoining said town is laid off into town lots and recorded, the same shall be attached to and form part of said town.

Elections legalized.

§ 2. That the election which was held in said town, for the incorporation thereof, on the eighth day of January, A.D. 1859, and also the several elections held therein on the fifteenth day of January A.D. 1859, and on the third Monday in the month of March, A.D. 1860, each for the election of trustees of said town, be and the same are hereby declared valid, in all respects, any informality or irregularity in the manner of conducting said elections and making returns thereof to the contrary notwithstanding; and the said trustees, so elected, and their successors in office, shall and may exercise all and singular the corporate powers granted to incorporated towns by chapter twenty-five of the Revised Statutes, relative to the incorporation of towns, and also by the several acts amendatory thereto, and all powers granted by any general laws relative to incorporated towns.

Annual elections.

§ 3. On the third Monday in the month of March, A.D. 1861, and on the third Monday in March in each year thereafter, an election shall be held in said town for five trustees, who shall be successors to the present trustees of said town. At the next regular election for trustees of said town, and



every four years thereafter, there shall be elected one police magistrate and one town constable, who shall each hold his office for four years, and until his successor is elected and qualified. Such police magistrate, and his successor, shall be commissioned and qualified in the same manner that justices of the peace are, and shall have the same jurisdiction, powers and emoluments as other police magistrates and justices of the peace in this state. Said constable, and his successor, shall be qualified as is or may be prescribed by ordinance, and shall have and exercise the same jurisdiction, powers and emoluments as other constables in this state, and such as are or may be prescribed by ordinance. Such elections, and all special elections to fill vacancies, shall be provided for, held and conducted and returns made as is now or may be prescribed by ordinance.

Police magistrate.

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

APPROVED February 13, 1861.

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AN ACT to amend the charter of the Town of Marengo, in McHenry county. In force February 13, 1861.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That, in addition to the powers granted to the said town by the act of incorporation, the president and board of trustees of the said town shall have power to purchase or to receive, by gift or grant, such real estate, not to exceed forty acres, and to hold the same for the use of the said town, for cemetery purposes, as they may think proper or necessary for the burial of the dead, such as they may think proper to order or permit to be buried therein; and shall have power to inclose and improve the same, in such manner and to such extent as they may think expedient. Cemetery.

§ 2. After the title to said land shall have been acquired as aforesaid, and the same shall have been inclosed by a good and substantial fence, and properly graded, the president and trustees shall immediately proceed to lay out into lots, in suitable size for burial purposes, having due regard to taste and convenience, the whole of said land; and shall cause the said lots to be appraised at a minimum value, below which they shall not be sold, and shall proceed to sell the same, or such parts thereof as they may deem expedient, at such time and place as they may think proper, at public auction or private sale, the price to be paid not to be less than the minimum value, as appraised as aforesaid. The president shall execute a deed or deeds to the purchaser or Sale of lots in cemetery.

purchasers, which shall be good and effectual, in law, to convey and confirm the title to said lots to the purchasers, their heirs and assigns.

Fund for improvement.

§ 3. The moneys arising from the sale of said lots shall be a special fund in the treasury of said town, subject to the control of the president and trustees, for the purpose of improving and ornamenting said cemetery grounds, and for no other purpose.

Reserve lots.

§ 4. The said president and trustees shall set apart and reserve from sale a sufficient number of the said lots for the burial of all such as the corporate authorities of said town or friends of the person or persons deceased may choose or desire to have buried therein; which said lots shall be free to the use of the inhabitants of said town; nevertheless shall be under the control and direction of the president and trustees.

Levy of tax.

§ 5. For the purpose of paying for the said land, and for paying for the fencing and grading the same, the president and trustees may levy a tax on all the taxable property in said town, of not to exceed one-half of one per cent., annually, until the said land, fencing and grading shall have been paid for, when the same shall cease to be levied. The said tax to be levied and collected in the same manner as other taxes provided for in said charter are levied and collected; and the collector shall have the same power and be subject to the same liabilities as in the collection of other taxes.

§ 6. This act to take effect from and after its passage.  
APPROVED February 13, 1861.

In force February 20, 1861. AN ACT for levying a tax in township two south, range eleven west, in Monroe county.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That the trustees of schools in township two south, of range eleven west, in Monroe county, are hereby authorized and empowered, and it shall be their duty, to levy a tax in said township, sufficient to equal the amount of township funds heretofore expended in said township on the Northern school house and the Union school house, in said township, together with the costs of collecting the same; which fund, when so collected, shall be held as a part of the school fund of said township.*

§ 2. This act shall be in force from its passage; and the secretary of state shall certify a copy of this act to the clerk of the county court of Monroe county, upon its passage.

APPROVED February 20, 1861.

## AN ACT to incorporate the Town of Mount Vernon.

In force February  
22, 1861.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the inhabitants of the said town of Mount Vernon, in the county of Jefferson, and state of Illinois, are hereby constituted a body corporate and politic, by the name and style of "The Town of Mount Vernon;" and by that name shall have perpetual succession; may sue and be sued, plead and be impleaded in law and equity, and may have and use a common seal, and alter and change the same at pleasure.

Name and style.

§ 2. Said town of Mount Vernon, shall comprehend and embrace the following boundaries and territory, to-wit: The distance of one mile square, taking the court house of said county as the center, being the same territory now under the jurisdiction of the said town at the passage of this act.

Boundaries.

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

Addition to town.

§ 4. The inhabitants of the said town, by the name and style aforesaid, shall have power to purchase, receive and hold real and personal property in the said town, and to purchase, receive and hold real property beyond the limits of the said town for burial grounds, for the use of the inhabitants of the said town; and to sell, lease and improve property, real and personal, for the benefit of the said town, and to do all other acts in relation thereto as natural persons might or could do.

Corporate powers

§ 5. The town council shall have power and authority, by ordinance, to levy and collect taxes upon all property, real and personal, within the limits of the corporation, not exceeding one-half of one per cent. per annum upon the assessed value thereof, and may enforce the payment thereof in any manner prescribed by ordinance, not repugnant to the constitution of the United States or of the state of Illinois.

Collection of fees.

To appropriate money, and provide for the payment of debts of the corporation.

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

Health regulations.

To make regulations to secure the general health of the inhabitants of said town.

To make all needful rules to prevent hogs and cattle from running at large.

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

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

To prohibit and suppress all tippling houses, dram shops, gaming houses, and all disorderly houses.

Tippling houses,  
&c.



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

School houses.

To regulate the election and appointment of corporation officers, and to provide for the removing from office any person holding office in the corporation; to fill vacancies; to erect and keep in repair school houses, and provide for the maintenance of all necessary common schools, and demand, receive and have a due proportion of the common school fund, for that purpose; to impose fines, penalties and forfeitures, and enforcement of such fines, penalties and forfeitures; and to make all needful rules and regulations for fully carrying into effect all the powers specified in this act.

Miscellaneous  
privileges.

§ 6. The town council shall have power to open, alter, extend, grade, pave, vacate or otherwise improve and keep in repair the streets and alleys, to make and keep in repair sidewalks: *Provided*, that the owner of the real property in front of which any sidewalk shall be made shall pay one-half of the cost thereof, in addition to any and all taxes paid on said property; to prohibit the indecent exposure of persons; to provide for taking enumeration of the inhabitants; to suppress and prohibit billiard tables, lotteries, and all other games; to license, tax and regulate auctioneers, hawkers, peddlers, pawnbrokers, exhibitions, shows and all other amusements; to regulate the speed and proper securing of horses and all other animals on the streets and alleys of the said town; to suppress, abate and prohibit nuisances within the corporate limits; to license the sale of liquors by such person or persons as they shall deem proper, for the following purposes, to-wit; mechanical, medicinal and sacramental purposes; and the person or persons so licensed shall, before obtaining such license, make, execute and deliver to the town council a bond, with sufficient security, in such sum as may be determined by the council, for the faithful observance of his duties under this act and all ordinances made thereunder, and a compliance with the terms of his license. Such person shall also make a written quarterly report, certified under oath, to the council; which report shall show the amount of spirituous liquor by him sold within the last ninety days, and for what purposes, together with the cost thereof and the net profit realized therefrom: *Provided*, that he shall not charge, in any case, over fifty per cent. net profits on any sale, under such penalties and forfeitures as may be prescribed by ordinance.

## ARTICLE 2.

### OF THE TOWN COUNCIL.

Annual elections.

§ 1. There shall be a town council, to consist of a president and six councilmen, a corporation magistrate, a marshal, and treasurer, and such other officers as may be pro-

vided for by ordinance. The said president, town council, magistrate, marshal, and treasurer, shall be elected annually, on the first Monday in the month of April in each year, who shall serve for one year and until their successors are elected and qualified: *Provided*, that the first election shall be held under the direction and control of the president and board of trustees of the said town who may hold such office at any time specified by this act for holding elections.

§ 2. No person shall be eligible to any elective office in the said town, unless he shall be at the time and shall have been for six months last preceding such election a resident of the said town, nor unless he shall be at the time of his election, twenty-one years of age.

Qualification  
voters.

§ 3. All the elective officers of the corporation shall, before entering upon the duties of their [respective] offices, take and subscribe an oath well and truly to discharge the duties of their offices, respectively; which shall be entered upon the minutes of the corporation.

§ 4. If any person holding office in said town shall remove therefrom his office shall thereby become vacant.

§ 5. The treasurer, and marshal, and such other officers as the council may direct, shall, before entering upon the duties of their respective offices, execute a bond, with sufficient security, in such sum as may be directed; which shall be preserved among the records and papers of the corporation.

Official bonds.

§ 6. All vacancies which may occur in any of the offices may be filled in such manner as may be directed by ordinance.

§ 7. The board of councilmen, or a majority of them, shall constitute a quorum, but a smaller number may adjourn, from day to day, and compel the attendance of absent members, by such fines and penalties as may be provided by ordinance; and shall judge of the qualification, elections and returns of their own members, and determine contested elections.

§ 8. Any person shall be allowed to vote at any election for any person to hold office under the provisions of this act and the ordinances made under it, who shall be, at the time, a qualified voter of the state, or who shall be at the time, owner of real estate within the corporation and a tax payer therein, and who shall have resided within said corporation for one month preceding said election.

Qualification of  
voters.

§ 9. The style of the ordinances of said corporation shall be, "*Be it ordained by the President and Board of Councilmen of the Town of Mount Vernon.*"

§ 10. All deeds of conveyance shall be signed by the president and countersigned by the secretary, and attested with the seal of the corporation.

§ 11. All ordinances passed by the board of councilmen shall, before becoming a law, be published in some newspa-

Publishing of or-  
dinances.

per in the county, for the period of ten days from the issue of such paper, or shall be posted up in at least three of the most public places within the corporation, for the same time.

Fees.

§ 12. All prosecutions for the violation of any ordinance shall be prosecuted before the corporation magistrate; and in case of his absence or inability to attend, then before any justice of the peace within the corporation: *Provided*, that in all cases the right of trial by jury, change of venue and appeal shall be and remain the same as in causes before justices of the peace under the laws of this state.

Marshal's duties.

§ 13. The fees allowed the said corporation magistrate and marshal shall be the same as allowed in similar cases to justices of the peace and constables: *Provided*, that the board of councilmen may, by ordinance, increase the same, not exceeding one hundred per cent.

Assessments.

§ 14. It shall be the duty of the marshal to serve all process, to him directed, and to report to the corporation magistrate, or, in his absence or inability to attend, then to some justice of the peace within the corporation, all violations of any ordinance; and, in the cases specified, the said justice shall proceed in the cause with the same effect as the corporation magistrate might do.

Appeals.

§ 15. The assessor shall assess the property, real and personal, if required, for any year, between the first day of May and the first day of July, in the same year, unless a different time shall be fixed by the board of councilmen, and, within ten days thereafter, make return to the council; and the council shall proceed and levy the tax for the current year, and cause a list thereof to be delivered to the marshal, who is hereby made collector for said town.

§ 16. All right of property heretofore belonging to the said town is hereby continued therein.

§ 17. Appeals to the circuit court of said county shall be allowed in all cases arising under this act, or any ordinance made in pursuance thereof.

§ 18. This act is hereby declared to be a public act, and shall be construed beneficially for all the purposes herein contained, and may be read in evidence in all courts in this state, of law and equity.

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

APPROVED February 22, 1861.



AN ACT to incorporate the town of Milton.

In force February  
21, 1861.

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 Milton, in the county of Pike, and state of Illinois, are hereby declared to be a body corporate, by the name and style of "The Town of Milton;" and by that name shall have and exercise all powers usual and necessary for municipal purposes. Boundaries.

§ 2. The boundaries of said town shall be to include the original plat and all subsequent additions which may have been or hereafter may be made and recorded.

§ 3. The said town of Milton is hereby invested with all the powers, rights, privileges and immunities, and made subject to all the liabilities, and shall be entitled to and be conducted in conformity with all the provisions of an act entitled "An act to incorporate the town of Sandoval," approved February the 18th, 1859, so far as the same can be made applicable to the said town of Milton, and not herein otherwise provided. Corporate powers

§ 4. The corporate powers and duties of said town shall be vested in five trustees, who shall form a board for the transacting of business; and the following named persons, to-wit: Fielden Hanks, Charles Bolin, William M. Crary, Ezekiel C. Clemmons, and James W. McMillin, are hereby appointed said board, and shall hold their offices by virtue of this act, until the first Monday in April, A. D. 1861, and until their successors are elected and qualified. Trustees.

§ 5. On the first Monday in April, 1861, an election shall be called by said board, to be holden in the said town of Milton, for the election of five trustees for said town; and thereafter on the first Monday in April, in each year, an election shall be held for said officers. They shall be twenty-one years old, and citizens of the United States, and shall possess a freehold estate within the limits of said town.

§ 6. The trustees shall have power to levy and collect a capitation tax, not to exceed one dollar on each and every male inhabitant of said town over the age of twenty-one years. Taxes.

§ 7. The fourth and fifth sections of article on "Streets and Alleys," in the act entitled "An act to incorporate the town of Sandoval," are hereby declared to be without force or effect in this act.

§ 8. This act shall be deemed a public act, and read in evidence, without proof; and shall take effect and be in force from and after its passage.

APPROVED February 21, 1861.

In force February  
21, 1861.

# AN ACT to incorporate the town of Marsailles.

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 Marsailles, in the county of La Salle, and state of Illinois, be and the same are hereby constituted a body corporate and politic, by the name and style of "The President and Trustees of the Town of Marsailles," and by that name and style shall have perpetual succession, and may have and use a common seal, which they may alter or change at pleasure, and in whom the government of the corporation shall be vested, and by whom its affairs shall be managed.

Boundaries.

§ 2. The boundaries of said town shall be as follows, to-wit: Commencing at the quarter section corner of sections seventeen and twenty, town thirty-three, and range five east; thence, north, one mile, to quarter section corner of sections seventeen and eight, town thirty-three, range five east; thence, west, two miles, to quarter section corner of sections twelve and thirteen, town thirty-three, and north range four; thence, south, on said line, to the Illinois river; thence, east, up said river, two miles, to the half section line of section twenty, town thirty-three, range five east; thence, north, to the place of beginning.

Corporate powers

§ 3. The inhabitants of said town, by the name and style aforesaid, shall have power to sue and be sued, to plead and be impleaded, defend and be defended, answer and be answered unto, in all courts of law and equity in this state, in all actions whatever; to purchase, receive and hold property, real and personal, within or beyond the corporate limits of said town, for burial grounds and other public purposes, for the use and benefit of the inhabitants of said town; to sell, lease or otherwise dispose of the property, real and personal, of said town, for the use and benefit of the same; and to improve and protect such property, and to do all other acts and things in relation thereto that natural persons might do.

Trustees.

§ 4. The corporate powers and duties of said town shall be vested in five trustees, who shall constitute a board for the transaction of business of said town; and the persons who are now trustees of said town, holding their offices under and by virtue of the general law of this state for the incorporation of towns and cities, shall be deemed to hold their offices, under and by virtue of this act, until the first Monday of May, 1861, and until their successors are elected and qualified.

Election.

§ 5. On the first Monday of May, in the year 1861, and ever afterwards, on the first Monday in May, in each and every year, an election shall be held in said town of Marsailles, for the election of five trustees of said town. The persons so elected shall be citizens of the United States and

of this state; they shall possess a freehold estate within said town, and shall have actually resided within said town six months next preceding their election; and shall hold their offices for the term of one year and until their successors are elected and qualified, unless sooner removed by death, resignation or otherwise, as provided by this act or the ordinances of said town.

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

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

Powers of the trustees.



officer of said town who holds his office by appointment of the board of trustees of said town.

**Officers.**

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

**Taxes.**

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

**Animals.**

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

**Dogs.**

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

**Riding and driving.**

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

**Public pound.**

To establish and maintain a public pound, and appoint a pound master and prescribe his duties.

**Shows.**

To license, regulate and prohibit all exhibitions of common showmen, shows of every kind, caravans, circuses and exhibitions and amusements.

**Riots.**

To prevent, suppress and prohibit any riot, affray, disturbance or disorderly assemblages, assaults, assaults and batteries, or shooting within the limits of said town.

**Nuisances.**

To abate and remove nuisances and punish the authors thereof, and to define and declare what shall be deemed nui-

sances, and authorize and direct the summary abatement thereof.

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

To suppress and prohibit disorderly houses and groceries, and houses of ill fame. Disorderly houses

To prohibit the sale of ardent spirits, and suppress tippling houses, dram shops, gaming houses, bawdy houses, and other disorderly houses: *Provided*, the president and trustees shall have power to license and regulate the sale of spirituous liquors, in case a majority of the voters of said town shall, at any regular election for town officers, vote in favor of the same. That no license shall be granted to sell any spirituous or malt liquors for a less sum than fifty dollars; and the proceeds of said license shall be appropriated to the use of said town. Licenses.

To regulate the election of town officers, and provide for removing from office any person holding an office created by ordinance.

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

The board of trustees shall have power, by ordinance, to regulate the internal police of the town; to declare what shall be considered misdemeanors, and to impose fines and forfeitures for the breach of any ordinance, and provide for the recovery and appropriations of such fines, and forfeitures and the enforcement of such penalties.

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

The present police magistrate of said town of Marsailles, holding his office under and by virtue of an act entitled "An act for the better government of towns and cities, and to amend the charters thereof," approved February twenty-seventh, eighteen hundred and fifty-four, (Feb, 27, 1854,) shall be deemed to hold his office under and by virtue of this act until the expiration of his term of office, at the first election, under this act, for trustees of said town, after the expiration of the term of office of the present police magistrate of said town, and every four years thereafter. Police magistrate.

That the police magistrate of the town of Marsailles, and county of La Salle, shall have jurisdiction to hear and determine all complaints, suits and prosecutions mentioned and described in section seventeen of chapter forty-nine, en- Police magistrate's jurisdiction.

titled "Justices of the Peace and Constables," of the Revised Statutes, in which the amount claimed to be due does not exceed one hundred dollars. Said police magistrate shall have jurisdiction to hear and determine all complaints, suits and proceedings in all debts in which the action of debt, assumpsit, trover, replevin or trespass upon personal property, all actions on the case, excepting libel and slander, will be [lie,] in which the amount claimed to be due does not exceed one hundred dollars.

Prosecutions.

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

Fines.

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

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

APPROVED February 21, 1861.



AN ACT to amend an act entitled "An act to incorporate the Town of Mattoon," approved February 22d, 1859. In force February 22, 1861.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That wherever the word "town" occurs in the act to which this is an amendment, there shall be substituted the word "city;" and wherever the word "trustees" occurs, in said act, there shall be substituted the word "councilmen."

§ 2. That the following sections of the above entitled act be amended so as to read as hereinafter expressed:

#### ARTICLE 2.

There shall be a city council, to consist of a president City council. and six councilmen, to be elected, annually, by the qualified voters of said city.

§ 2. No person shall be a member of the city council, unless he shall be at the time of and shall have been six months immediately preceding his election, a resident of said city, a *bona fide* freeholder at the time of his election, have paid a corporation tax in said city during the preceding year, over the age of twenty-one years, and a citizen of the United States. And if, after his election, any member of said city council shall cease to be a freeholder his office shall thereby be vacated.

§ 5. The president and a majority of said councilmen Quorum. shall constitute a quorum to transact business, but a smaller number may adjourn, from day to day, and compel the attendance of absent members, under such fines and penalties as may be prescribed by ordinance.

§ 7. The city council shall keep a well bound book, in which shall be recorded, in a fair and legible hand, all the by-laws, ordinances, regulations and other proceedings of said city council, especially all orders for the payment of money, with the vote of each member upon all questions before said council; and the city clerk shall, immediately after the adjournment of each sitting of said city council, furnish for publication, in some newspaper in said city, a correct statement of said proceedings and votes. Records and ordinances.

§ 12. The city council shall meet for the transaction of business on the first Monday of each month, at such time and place as may be prescribed by ordinance.

#### ARTICLE 3.

§ 1. There shall be elected, in the city of Mattoon, by the qualified voters thereof, on the first Monday of April, A. D. 1861, and every four years thereafter, a police justice and city constable, who shall hold their offices four years and until their successors are elected and qualified. Justice of the peace and constable.

§ 5. The city council shall have power to execute writs or other process, issued by the police justice of said city, anywhere in Coles county, and shall be entitled to the same fees as other constables, in like cases; and shall be placed under such bond, conditioned for the faithful performance of the duties of his office, as may be prescribed by ordinance: *Provided*, that in case of sickness, absence, death, resignation or refusal to act of the city constable, any constable of Coles county shall execute said writs or other process.

#### ARTICLE 4.

§ 1. On the first Monday of April, 1861, an election shall be held in said city for president and six members of the city council, also a city clerk, treasurer, and street supervisor; and thereafter, on the first Monday of April, of each year, there shall be an election in said city for said officers. Said election shall be held and conducted as are or may be prescribed by ordinance.

Qualifications of voters.

§ 2. All persons entitled to vote for state officers, who have paid a corporation tax to said city during the year immediately preceding such election, and have resided in said city ninety days previous to said election, shall be entitled to vote for said officers.

#### ARTICLE 5.

Annual tax.

§ 1. The city council shall have power and authority to levy a tax, annually, upon all property, real, personal and mixed, within the limits of said city, which is now or may be hereafter subject to taxation for state or county purposes; and said council shall adopt the annual assessment made of the property of said city by the county or township assessor, and cause the same to be collected by the county or township collector. At the September meeting the said council shall ascertain how much money must be raised for the purpose of defraying the expenses of said city, and shall then find what rate per cent. will be required to be levied. The city clerk shall, previous to the second Monday of September, annually, deliver to the county clerk or other officer, whose duty it is or may be to extend the state and county tax, a certificate of the rate of tax levied by said city council, together with a list of the resident tax payers in said city, which certificate shall be a copy of the records of said city council; and upon the receipt of such certificate the said tax shall be extended and collected and its collection enforced in the same manner as other revenue. The clerk of the county court and county or township 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.

§ 2. The city council shall have power to prescribe the duties of city clerk, treasurer and supervisor of streets and all such other officers as may be necessary, and to require of all such officers to enter into bonds, with such penalties and security, for the faithful performance of their respective duties, as may be prescribed by ordinance. Duties of officers.

§ 4. To appropriate money and provide for the payment of the debts and expenses of said city: *Provided*, the city council shall not create debts, or render the city liable for debts created by them, in the aggregate to exceed five hundred dollars, without first being so authorized by a vote of the tax paying voters of said city, taken at an election called specially for that purpose, notice of which election shall be given by the city clerk at least ten days before the holding of such election; nor shall said city council levy a tax, in any one year, to exceed fifty cents on each hundred dollars, for city and road purposes, except said city council be first instructed by a vote, as aforesaid: *Provided, further*, that all expenditures for improving sidewalks, streets, alleys and roads, in said corporation, shall bear a relative proportion to the amount of all revenue collected from such portions of said city as are situate east and west of the Chicago Branch of the Illinois Central Railroad; and all street or road labor due said city shall be performed east or west of said railroad, as the person or persons owing such labor may reside.

§ 13. To prohibit the sale of ardent, spirituous and malt liquors, and suppress tippling houses, dram shops, gaming houses, bawdy houses and other disorderly houses: *Provided*, the city council shall have power to license and regulate the sale of spirituous and other liquors, in case a majority of the tax paying voters of said city, at any regular election for city officers, vote in favor of the same: *Provided, further*, that the city council shall in no case grant license for said purpose to extend beyond the second Monday of April next then ensuing. Sale of liquor.

§ 24. All ordinances passed by the city council shall be published within one month after they have been passed, in some newspaper published in said city, and shall not be in force until they have been published, as aforesaid; and one insertion in said newspaper shall be sufficient publication thereof; and it shall be competent to prove such publication, in all cases and places, either by the printer's certificate or parol.

§ 25. The style of the ordinances of the city shall be, "*Be it ordained by the City Council of the City of Mattoon.*"

#### ARTICLE 8.

§ 2. The city council shall have power, and it is hereby made their duty, whenever it may be necessary for the purpose of keeping in repair the streets and alleys of said city,



and the roads within the corporate limits of said city, to require every able bodied male inhabitant of said city, over the age of twenty-one years and under the age of fifty years, and not exempt by law from working on roads, to labor on such streets, alleys and roads, not exceeding four days in each year; and every person failing to perform such labor, when called upon by the street commissioner of said city, shall forfeit and pay the sum of one dollar to said city for each day so neglected or refused.

Annual state-  
ment.

§ 3. The treasurer of said city shall publish, annually, in some newspaper published in said city, two weeks previous to the first Monday of April, of each year, a full and complete statement of all moneys received and expended by him during the preceding year, from the first Monday of March, of each year, stating particularly on what account received and paid out.

Fines and penal-  
ties.

§ 6. All actions, fines, penalties and forfeitures which have accrued to the president and trustees of the town of Mattoon shall be vested in and prosecuted by the corporation hereby created; and all fines, forfeitures and penalties collected for the breach of any ordinance enacted by the corporation hereby created, shall be paid to the treasurer of said city, immediately after collection, by the officer collecting the same.

§ 14. In case the members of the city council, president, clerk, treasurer, street supervisor, or city constable, shall, at any time, be guilty of palpable omission of duty, or shall willfully or corruptly be guilty of oppression, malconduct or partiality in discharge of the duties of their respective offices, shall severally pay to the city of Mattoon, or to the person or persons damaged, any sum, not less than twenty-five nor more than one hundred dollars, to be recovered in an action of debt, and shall also be liable upon their bonds.

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

APPROVED February 22, 1861.

AN ACT to incorporate the Town of Manchester, in the county of Scott

#### ARTICLE 1.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That the inhabitants and residents of the town of Manchester, in the county of Scott, and the state of Illinois, be and they are hereby constituted and declared a body politic and corporate, by the name and style of "The Town of Manchester;" and by that name shall have perpetual succession, and may*

in force April 1,  
1861;

have and use a common seal, which they may change or alter at pleasure.

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

§ 3. The boundaries of the said town shall be one mile square measurement, and the center of the town shall be the center of section twenty-eight, (28,) township No. thirteen (13) north, of range No. eleven (11) west of the third (3d) principal meridian, in the county of Scott and state of Illinois; and whenever any tract of land adjoining said town is laid off into town lots and recorded the same may be attached to and form part of the same. Boundaries.

## ARTICLE II.

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

§ 2. No person shall be a member of the town council unless he shall be at the time of, and shall have been for six months immediately preceding his election, a resident of the town, and shall be at the time of his election, twenty-one years of age, and a citizen of the United States. If any member of the town council shall, during the term of his office, remove from the town, his office shall thereby become vacant. Qualification of councilmen.

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

§ 4. A majority of the town council shall constitute a quorum to do business, but a smaller number may adjourn from day to day, and compel the attendance of absent members, under such fines and penalties as may be prescribed by ordinance; and shall have power to determine the rules of their own proceedings, punish a member for disorderly conduct, and, with concurrence of two-thirds, expel a member. Quorum.

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

ficial oaths.

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

ie.

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

### ARTICLE III.

nnual elections.

§ 1. On the first Monday of April an election shall be held in said town of Manchester for the election of the five members of the town council of said town; and forever thereafter, on the first Monday of April in each year, an election shall be held for said officers.

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

justice of the peace.

§ 3. For the election of a justice of the peace, the said town of Manchester, as herein defined, or as may hereafter be extended or limited by ordinance, shall constitute an election precinct; and the first election for officers under the provisions of this act, shall be held and conducted, and returns thereof made, as is now provided by the laws of the state for the election of county officers, so far as the same is applicable; and succeeding elections shall be held and conducted and returns thereof made as may hereafter be provided by the ordinances of the town council by the act created.

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

### ARTICLE IV.

#### OF THE TOWN COUNCIL.

axes.

§ 1. The town council shall have power and authority to levy, assess and collect a tax or taxes upon all property, real, personal and mixed, within the limits of said town, which is now or may hereafter be subject to taxation for state or county purposes, not exceeding one per centum per annum



upon the assessed value thereof; and may assess and enforce the collection of the same by any ordinance not repugnant to the constitution of the United States or of this state.

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

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

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

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

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

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

§ 8. To provide for the protection and improvement of all public buildings owned by said town, and for the prevention and extinguishment of fires, and to organize and establish fire companies.

§ 9. To regulate partition fences; and to provide for the inspection and weighing of hay and stone-coal, and the measurement of wood and fuel to be used in said town.

§ 10. To provide for taking of the enumeration of the inhabitants of said town; regulate chimnies, the fixing and the flues thereof; and regulate the storage of tar, pitch, rosin, gunpowder and other combustible materials. Census.

§ 11. To license, tax and regulate auctioneers, merchants, retailers, grocers, taverns, eating houses, peddlers, brokers and money changers; but shall have no power to license the sale of intoxicating drinks contrary to or inconsistent with the law of this state.

Sale of liqu or.

§ 12. To prohibit the sale of intoxicating, malt and fermented liquors; to restrain, prohibit and suppress tippling houses, dram shops, gaming houses, bawdy houses and other disorderly houses within said town or within two miles of the limits thereof.

§ 13. To license, tax and regulate theatrical and other exhibitions, shows or amusements; to provide for the trial and punishment of persons who may be engaged in assaults and batteries and affrays within the corporate limits of said town.

§ 14. To regulate the election of town officers, define their duties and provide for the removal of any person in office created by ordinance.

Fees of officers.

§ 15. To fix the fees and compensation of town officers, jurors, witnesses and others, for services rendered under provisions of this act.

§ 16. To prevent the incumbering of streets, squares, lanes and alleys of said town; to protect shade trees; to compel persons to fasten horses, mules and other animals attached to vehicles, while standing on any street, alley, lane or inclosed lot in said town; to prevent the running at large of horses, cattle, sheep, hogs and other animals, and to provide for the impounding and distraining the same, and to provide for the sale of the same, for any penalty incurred, and to impose penalties upon the owner or owners of any such animals for the violation of any ordinance in relation thereto.

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

§ 18. To prevent the firing of squibs, rockets, guns or other fireworks or combustibles within the limits of said town.

Disturbance of the peace.

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

Police regulations

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

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

consistent with the constitution of the United States or of this state.

§ 22. The style of the ordinances of the town shall be: "*Be it ordained by the Town Council of Manchester;*" and all ordinances shall, within one month after they are passed, be published in some newspaper printed in said town, or made known by posting up copies of the same in three public places in said town; and the certificate of the publishers of said newspaper, or of the clerk of the town, under the seal of the corporation, shall be *prima facie* evidence of such ordinance and of its publication; and no ordinance shall take effect until published or made known as aforesaid. Style of ordinance.

§ 23. All ordinances may be proven by the records or by a certificate of the clerk, under the seal of the town, and when published or printed in book or pamphlet form, and purporting to be published or printed by authority of the town of Manchester, the same shall be received as evidence in all courts and places without further proof. Publication of ordinance.

## ARTICLE V.

### OF THE PRESIDENT.

§ 1. The president shall preside in all meetings of the council, when present, and in case of his absence at any meeting the council shall appoint one of their number chairman, who shall preside at that meeting. President's duties

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

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

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

## ARTICLE VI.

### MAGISTRATE AND CONSTABLE.

§ 1. The justice of the peace hereinbefore provided for shall be commissioned by the governor of this state, and he Justice of the peace.



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

Duties of justice.

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

Town constable.

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

§ 4. If two or more persons shall receive an equal number of votes for the office of justice, the town council shall determine the same, by lot, in such manner as may be prescribed by ordinance.

Constable's duties

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

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

Appeals and  
change of venue.

§ 7. In all cases arising under the ordinances of said town, changes of venue and appeals shall be allowed, as in other cases before justices of the peace; and the said corporation shall be allowed to appeal in any case in which they are parties, by causing their secretary or clerk to exe-

cute a bond, in the name of the corporation, in the form now or which may hereafter be furnished by law in other cases, without other security; and an order upon the records of the corporation, directing said appeals, shall be sufficient evidence of the authority of said security to sign said bond.

## ARTICLE VII.

### STREETS AND ALLEYS.

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

Opening streets and taking of private property therefor.

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

Damages in such cases.

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

§ 4. That the town council shall have power to levy and collect a special tax on the owners of the lots on any street or part of a street, according to their respective fronts, for the purpose of grading, paving or otherwise the sidewalks on said street or parts of street, or the repairing of the same.

Special tax.

§ 5. That the lot in front of which any sidewalk is made shall be taxed to pay at least one-half of the expenses of making such sidewalk, in addition to the regular tax; which shall be assessed and collected in the same manner as other taxes are.

## ARTICLE VIII.

### MISCELLANEOUS PROVISIONS.

§ 1. The inhabitants of the town of Manchester are hereby exempted from working on any road beyond the limits of said town, and the payment of any road tax levied by authority of the county court or other county authorities; and the entire jurisdiction and control of the roads, high-

Road labor.

ways and bridges in said town shall be held and exercised by the town council by this act provided for.

Repair of streets.

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

§ 3. The town council shall have power to provide for the punishment of offenders against any ordinance of said town, by imprisonment in the county jail, not exceeding thirty days for any one offense, or by requiring them to labor upon the public streets, alleys, roads or squares in said town, in all cases when such offenders shall fail or refuse to pay the fine and forfeiture which may be recovered against them.

Suits at law.

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

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

§ 6. All ordinances and resolutions passed by the president and trustees of the town of Manchester shall remain in force until the same shall have been repealed by the town council hereby created; and all actions, fines, penalties and forfeitures which have accrued to the president and trustees of said town, or which may hereafter accrue to them prior to the taking effect of this act, shall be vested and prosecuted by the corporation herein created.

Property of town.

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

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

§ 9. This act is hereby declared a public act, and may be read in evidence in all courts of law and equity in this state,



without proof, and, upon its going into effect, all acts and parts of acts coming within the provisions of this charter, or contrary to or inconsistent with its provisions, shall be repealed.

§ 10. This act shall take effect and be in force from and after the first day of April, one thousand eight hundred and sixty-one (1861).

APPROVED February 21, 1861.

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AN ACT to vacate the town plat of Old Caledonia, in Pulaski county.

In force February  
13, 1861.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the town plat of Old Caledonia, in the county of Pulaski, be and the same is hereby vacated; and hereafter the real estate in said town be assessed by its legal subdivisions, as other real estate in said county: *Provided*, the vacating of the survey and plat of said town shall not interfere with the vested rights of any persons whatsoever holding property therein.

APPROVED February 13, 1861.

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AN ACT to amend the town charter of the Town of Pana.

In force February  
22, 1861.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That section nine of an act approved February 16, 1857, to incorporate the town of Pana, be so amended as to read, "to license or prohibit and suppress tippling houses and dram shops, and to prohibit gaming houses and bawdy houses and other disorderly houses."

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

APPROVED February 22, 1861.

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AN ACT further to amend an act entitled "An act to extend the corporate powers of the Town of Princeton," approved February 18th, A.D. 1857.

In force February  
22, 1861.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That, in addition to the powers heretofore conferred by law, the town

Licenses.

council of said town shall have power and authority—*First:* To license, regulate and restrain tavern keepers, grocers and keepers of ordinaries or victualing or other houses or places for the selling or giving away wines and other liquors, whether ardent, vinous or fermented. *Second:* To forbid the selling or giving away wines or ardent spirits or other intoxicating liquors to any minor, apprentice or servant, without the consent of his or her parent, guardian, master or mistress. *Third:* To license, tax, regulate, suppress and prohibit billiard tables, pin alleys, nine or ten-pin alleys and ball alleys.

Tax.

§ 2. That the first section of article seventh of the act to which this act is an amendment be amended by the addition of the following: "*Provided*, that in lieu of said requirement to labor, the said town council shall have power to impose, levy and collect, in the same manner as other taxes are levied and collected by them, or in such other manner as they shall provide by ordinance, a poll tax, for each year, of any sum, in their discretion, not exceeding two dollars upon every male inhabitant of said town over the age of twenty-one years; and the collector of said poll tax, appointed by said council, shall have the same power to distrain and sell the property of all persons refusing or neglecting to pay such tax as is given to township collectors under the revenue laws of this state."

§ 3. So much of the act to which this is an amendment as conflicts herewith is hereby repealed.

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

APPROVED February 22, 1861.

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In force February 21, 1861. AN ACT to incorporate the Town of Pinckneyville, in Perry county, and state of Illinois.

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 Pinckneyville, and additions, in the county of Perry, and state of Illinois, are hereby declared and made a body corporate and politic, in law and in fact, by the name of "The President and Trustees of the Town of Pinckneyville," with all the rights, privileges and powers conferred upon the town of Havana, in the county of Mason, and state of Illinois, approved February the 12th, 1853; and all the provisions of the act aforesaid are hereby declared applicable to the said town of Pinckneyville: *Provided*, that the trustees of the said town of Pinckneyville shall not levy more than one-half of one per cent. tax, per annum, upon the real estate within the limits of said incorporation.

§ 2. That Evan B. Bushing, Albert A. Clymer, James S. Craig, Rodolph Hinckey and James F. Mason, are hereby appointed trustees of said town, under this act, and shall hold their office until the first Monday in the month of April, 1861, and until their successors are elected and qualified; which election shall be holden on the first Monday in the month of April in each year thereafter.

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

APPROVED February 21, 1861.

Trustees.

AN ACT to extend the limits of Shelbyville, and to authorize said town to use the county jail.

In force February 20, 1861.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the present corporate limits of the town of Shelbyville, Shelby county, be and the same are hereby extended, so as to include within the same Crane and Stevenson's addition to said town; and that, hereafter, said addition, for all purposes, shall be a part of said town.

Limits extended.

§ 2. That the corporation of the town of Shelbyville shall have the right to use the debtor's room in the jail of said Shelby county, for the purpose of imprisoning offenders against the ordinances of said town, by paying the board of said offenders while in said jail. The jailor or sheriff of said county shall receive into said jail all persons, upon a proper mittimus from the police or corporation magistrate of said town.

Use of county jail.

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

APPROVED February 20, 1861.

AN ACT to vacate certain streets and alleys in the Town of Shelbyville, Shelby county.

In force February 21, 1861.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That so much of Will street as lies between block thirty-seven and block thirty-eight; also so much of Commercial street as lies south of block thirty-seven and block thirty-eight, and also the alleys in block thirty seven and block thirty-eight; all of which is in Crane and Stevenson's addition to the town of Shelbyville; also the alley in block eight, in Thomas Lewis' addition to the town of Shelbyville; all of which be and are hereby vacated.



§ 2. This act shall take effect and be in force from and after the date of its passage.

APPROVED February 21, 1861.

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In force February  
20, 1861.

AN ACT to vacate a certain alley in the Town of West Salem.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That a certain alley in the town of West Salem, in the county of Edwards, and state of Illinois, described as follows, to wit: Running east and west; and south of lots number three, (3,) four, (4,) seventeen (17) and eighteen, (18,) and north of lots number seventy-four (74) and seventy-five, (75,) in said town of West Salem, be and the same is hereby vacated.

§ 2. This act to be in force from and after its passage.  
APPROVED February 20, 1861.

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In force February  
21, 1861.

AN ACT to vacate the town plat of the Town of Sumner, in McHenry county.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the town plat of the town of Sumner, in the county of McHenry, as the same is recorded in the recorder's office of said county, be and the same is hereby vacated and made void.

§ 2. This act shall be in force from and after its passage.  
APPROVED February 21, 1861.

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In force February  
22, 1861.

AN ACT to incorporate the town of Sheffield, in Bureau county and state of Illinois.

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

§ 2. The boundary of said corporation shall be as follows: All of section nineteen, (19,) in township sixteen, (16,) north, range seven (7) east of the fourth principal meridian. Boundaries.

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

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

§ 5. The corporate powers and duties of said town shall be vested in five (5) trustees, who shall form a board for the transaction of business; and the persons who may be in office as trustees in said town, under the general incorporation act of this state, shall, after the passage of this act, be deemed to hold their offices, by virtue of this act, until the first Monday of May, 1861; and until their successors are elected and qualified, and to discharge their duties in conformity to the provisions of this act. Trustees.

§ 6. That there shall be, on the first Monday of May next, be elected five (5) trustees, and on every first Monday of May thereafter, who shall hold their office for one year and until their successors are elected and qualified; and public notice of the time and place of holding said election shall be given by the president and trustees of said town, by advertisement published in a newspaper in said town, or posting it up in at least three (3) of the most public places in said town. No person shall be a trustee of said town who has not arrived at the age of twenty-one (21) years; and who has not resided in said town one year next preceding his election, and who is not at the time thereof a *bona fide* freeholder in said town, and, moreover, who has not paid a state and county tax. And all white free male inhabitants, over twenty-one years of age, who have resided in said town six months next preceding an election, shall be entitled to vote for trustees. And the said trustees shall, at their first meeting proceed to elect one of their own body president, and shall have power to fill all vacancies in said board which may be occasioned by death or resignation: *Provided*, the vacancies shall not exceed three months. All vacancies which shall occur for a longer time the board shall give ten days' notice, by posting up at least three advertisements in Election.

Officers.

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

Justice of the  
peace.

§ 7. It shall be the duty of the trustees, after their organization, to give notice for and cause an election to be held for a justice of the peace, who shall be elected by the qualified voters within the incorporate limits of the said town of Sheffield. The said justice of the peace shall take the same oath, execute the same bond, be clothed with the same power, authority and jurisdiction, and be subject to the same liabilities as other justices of the peace within the state. He shall hold his office for two years, until his successor shall be elected and qualified.

Rules and regula-  
tions.

§ 8. The trustees aforesaid and their successors, or a majority of them, shall have full power and authority to ordain and establish such rules and regulations for their government and direction, and for the transaction of the business and concerns of the corporation, as they may deem expedient; and to ordain, establish and put in execution such by-laws, ordinances and regulations as shall deem necessary for the government of said town, and for the management, control, disposition and application of the corporate property, and generally to do and execute all and singular such acts, matters and things which to them may seem necessary to do; and which are not contrary to the laws and constitution of this state.

Tax.

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



means for the assessment and collection of taxes as they shall from time to time deem expedient, and prescribe the manner of selling property when the tax levied upon it shall not be paid: *Provided*, no sale of any real estate shall be made until public notice of the time and place of sale shall be given, by advertisement in some newspaper or at four of the most public places in said town, by putting up written notices, containing a list of said delinquent real estate, at least thirty (30) days previous to the day of sale.

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

§ 11. The trustees shall have power to regulate, grade, plank, pave and improve the streets, public squares and alleys in said town, for which purpose they shall have power to levy, annually, a road labor tax of not more than five days nor less than two days, against every able bodied male inhabitant of said town over the age of twenty-one years and under fifty years, to be collected and expended in such manner as they shall determine and direct. Street labor.

§ 12. The trustees shall have power to grant licenses for the sale of liquors and for other purposes, and to tax, restrain, prohibit and suppress tippling houses, dram shops, gaming houses, bawdy houses and other disorderly houses and ten pin alleys. Said trustees shall also have power to make and enforce such by-laws and ordinances for the regulation or suppression of the sale of wine, rum, brandy, gin, whisky, malt liquors, strong beer, ale, porter, mixed liquors, or any intoxicating liquors, within the limits of said town, as they may deem proper, and which shall not conflict with the laws of this state. Tippling houses.

§ 13. Said trustees, or a majority of them, shall have power to preserve good order and harmony in said town and to punish open indecency, breaches of the peace, horse racing, disorderly houses, riotous meetings or assemblages, and to punish persons for making loud or unusual noises, or for disturbing persons assembled at religious or other meetings in said town; for which purpose said trustees may make such by-laws and ordinances, not inconsistent with the laws of this state, as they may deem necessary or expedient to Sale of liquor.

carry the provisions of this act into effect, and to impose fines, which shall be recovered before any justice of the peace in said town.

Justice of the  
peace.

§ 14. It shall be duty of any justice of the peace in said town, and he is hereby authorized and empowered, on view or upon complaint being made to him upon oath, of the violation of any law or ordinance of said town, to issue his warrant, directed to the town constable or to any authorized persons, to apprehend the offender or offenders and bring him or them before him forthwith; and after hearing the evidence, if it shall appear that the accused has been guilty of any violation of any law or any ordinance of the corporation, to impose such fine or imprisonment as is provided by the laws of the state for the punishment of similar offenses.

Appeals

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

Fines.

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

Records.

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

Sidewalks.

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

Nuisances.

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

This act to take effect from and after its passage.

APPROVED February 22, 1861.

AN ACT to vacate a certain street and alley in the Town of Tamaroa.

In force February  
14, 1861.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That so much of Eaton street, in the Illinois Central Railroad addition to the town of Tamaroa, in the county of Perry, as lies on the west-side of block seventeen, in said addition to said town, and also the alley running north and south through said block, be annulled and vacated.

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

APPROVED February 14, 1861.

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AN ACT to legalize the survey of the town of Teutopolis, in the county of In force February  
Effingham. 22, 1861.

WHEREAS, on or about the year eighteen hundred and thirty-eight, John Ferdinand Washford laid out the town of Teutopolis, in the county of Effingham, state of Illinois, upon the following described tracts of land, to-wit: The west half of the southeast quarter, and the southwest quarter of section thirteen, and the north half and the west half of the southwest quarter of section twenty-four, all in township eight north, range five east, in said county, by having said town surveyed and platted by the then county surveyor of said county, and recorded in the county recorder's office of said county, and there being no official certificate to the plat of the town of Teutopolis, by said surveyor, appearing on the plat, as recorded; therefore,

SECTION [1]. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the survey and plat of the town of Teutopolis, is hereby declared to be legal and binding, to all intents and purposes, in law, as fully as if the certificate of the surveyor had been attached and recorded with said plat of the town of Teutopolis.

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

APPROVED February 22, 1861.

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AN ACT to confirm to George Cattell and Calvin Stevens the leases of In force February  
certain lands in Tiskilwa. 20, 1861.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the leases of the president and trustees of the town of Tiskilwa,



bearing date the twenty-first day of July, in the year one thousand eight hundred and fifty-nine, to George Cattell and Calvin Stevens, and which are recorded in book K, of mortgages, in the office of the recorder of the county of Bureau, and the act of the said president and trustees in making the same, be and the same is hereby confirmed, in all respects, as fully as if the said president and trustees of the town of Tiskilwa were fully empowered to make said leases by the act of incorporation of said town of Tiskilwa.

§ 2. This act shall take effect immediately.

APPROVED February 20, 1861.

force February 22, 1861. AN ACT entitled an act to vacate Liberty Square in the town of Tiskilwa, in the county of Bureau, state of Illinois.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the square known as "Liberty Square," in the town of Tiskilwa, in the county of Bureau, in the state of Illinois, be and the same is hereby declared vacated.

APPROVED February 22, 1861.

force February 22, 1861. AN ACT the better to provide for the incorporation of the Town of Tuscola.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That Michael Noel, James Harrison, William Chandler, William Russell, and Simon G. Bassett, of the town of Tuscola, in Douglas county, are hereby recognized and constituted a body politic and corporate, by the name and style of "The President and Trustees of the Town of Tuscola;" and by that name shall have perpetual succession, and may have and use a common seal, which they may change and alter at pleasure.

incorporate and privileges. § 2. The aforesaid incorporators and their successors, by the name and style aforesaid, viz: "The President and Trustees of the Town of Tuscola," shall have power to sue and be sued, to implead and be impleaded, defend and be defended, in all courts of law and equity, and in all actions whatever; to purchase, receive and hold property, both real and personal, in said town; to purchase, receive and hold property, both real and personal, beyond the said town, for burial grounds, and for other public purposes, for the use of the inhabitants of said town; to sell, lease, convey or dispose of property, real or personal, for the benefit of said town, and

to improve and protect said such 'property, and to do all other things in relation thereto as natural persons.

§ 3. The boundaries of said town shall be one mile square. The center of the public square in said town being the center of the said mile square. And all the lands within said limits shall be considered as the town of Tuscola. Town limits.

§ 4. The aforesaid corporators shall continue in office until the first Monday in April next, and until their successors are elected and qualified; and on the first Monday in April next, and annually, thereafter, on the same day, an election shall be held for five trustees, who shall hold their offices for one year and until their successors are elected and qualified. The board of trustees whose term of office is about to expire shall always give notice of such election, by having written or printed notices thereof, posted up in four public places of said town, at least one week previous to said election; and one of the members of the said board, together with the clerk of the corporation, shall hold the said election and give certificates of election to the five persons receiving the greatest number of votes; and whenever there shall be a tie in such election, they shall certify the same to the said board, who shall determine the same by lot, in such manner as shall be provided by ordinance. Annual electi

§ 5. Every trustee of said town shall, at the time of his election, be at least twenty-one years of age, a citizen of the United States and the state of Illinois, and shall have resided at least six months within the limits of the corporation. Every *bona fide* resident of said town, possessing the requisite qualifications to vote for state officers shall be entitled to vote for trustees. Qualification trustees.

§ 6. The trustees, before entering upon the duties of their office, shall severally 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. Official oaths.

§ 7. A majority of said trustees shall constitute a quorum to do business. The said trustees shall elect one of their own body president of the board, who shall hold his office for one year or until his successor shall be elected and qualified. The president of the board shall be chief executive officer of the corporation, and shall be vested with such powers and authority as may be conferred upon him by ordinance. Quorum.

§ 8. If any trustee shall, during the time for which he shall have been elected, remove from the said town, his office shall be vacated. The board of trustees shall have power to fill vacancies in their own body, occasioned by the death, resignation or removal from town of any member. Vacancies.

§ 9. The board of trustees shall have power and authority to assess and collect taxes, uniform in respect to person or property for corporate purposes, upon all the real and Redemption real estate.

personal estate within said town, not exceeding one-half per cent. per annum, upon the assessed value thereof, as ascertained and returned by the assessor of the corporation, and may enforce the payment of the same in any manner, to be prescribed by ordinance, not repugnant to the constitution of the United States, and of this state. And such ordinances may provide for the advertisement, sale and conveyance of any such real estate for taxes unpaid thereon to said corporation: *Provided*, that the time and manner in which the same may be redeemed from such sale, is the mode prescribed by the constitution of this state: *And, provided, further*, that in case of the nonpayment of any such taxes, assessed as aforesaid, that personal property shall be first taken in satisfaction for said taxes, by levying upon and advertising and selling the same as may be prescribed and directed by ordinances passed in reference thereto.

§ 10. The said board shall also have power to require every male resident of said town, over the age of twenty-one years, to labor, under the direction of the street commissioner of said town, on the streets, lanes, avenues and alleys of said town, and upon the public roads passing through and from said town, for one mile from the center thereof, not exceeding three days in each and every year; and any person failing to perform such labor, when duly notified by the street commissioner, shall forfeit and pay the sum of one dollar for each day on which he has so neglected or refused to work; which said amount may be collected from such person failing to pay the same, by suit, by the president and trustees aforesaid. And all summons in such case shall be returnable forthwith, and execution shall issue immediately. And that in all cases of a failure to find sufficient property to satisfy such execution and costs, the person against whom the same was issued may be imprisoned and compelled to work on the streets or other improvements of said town, at the rate of one dollar per day, until the whole of such judgment, together with costs, is paid and satisfied.

§ 11. The said board shall, likewise, have power to license, tax and regulate auctioneers, groceries, ordinaries, and all places where spirituous or fermented liquors are sold by less quantities than one gallon, and the venders of the same, hawkers, peddlers, brokers, pawnbrokers and money changers; also, to license, tax and regulate theatrical and other public exhibitions, shows and amusements.

§ 12. They shall have power to erect a town hall and other public buildings for the use of said town; to provide or erect a calaboose or other place of imprisonment; to provide pumps, wells and cisterns, in the streets and upon the public grounds, for the convenience of the inhabitants, or for use in case of fire; to open, establish, grade, pave or otherwise improve or keep in repair and free from incum-

Labor on the streets.

Street labor.

Licenses.

Erection of town buildings.



brances or obstructions the streets, avenues, lanes and alleys of said town; to make and erect pavements and sidewalks upon any of the streets or avenues of said town, and that the owner of the lot or lots by which any such sidewalks or pavements may pass shall be compelled to pay at least one-half of the expenses of building and erecting the same, and that one-half for such tax or expense for building and constructing the same, as above provided, shall be and constitute a lien on the said lot; and that, in case of the failure of the owner of said lot to pay and discharge the amount of expense or tax so incurred upon the said lot, within thirty days after the erection or construction of said pavement or sidewalk, as aforesaid, the said lot or lots shall be advertised, sold and conveyed, as in other cases of taxes, as mentioned in section 9 of this act: *And provided, further,* that the owner of any lot, by which any pavement or sidewalk shall pass, shall, ever after the erection of any such sidewalk or pavement, keep the same in good repair, and, upon failure, may be proceeded against as in the case of failure to pay for the erection or construction of the same, as above named. They shall have power to construct public crossings at the crossings of any avenue, street or alley, or at any other places where public convenience may require the same. They shall also have power to make, erect and keep in repair bridges, drains and sewers; to provide for lighting the streets and erecting lamp posts; to erect market houses and provide for the government and regulation of the same; and to provide for the weighing of hay and stonecoal, and measuring of charcoal, firewood and other fuel, to be sold or used within the said town.

Sidewalks.

Bridges and sewers.

§ 13. They shall also have power to provide for the prevention and extinguishment of fires, and to organize and establish fire companies; to regulate the fixing of chimneys and the flues thereof, and the manner of using stoves and stove-pipes in dwelling houses, stores, offices, warehouses and other buildings in said town; to regulate and order parapet walls and partition fences, and regulate the storage of gunpowder and other combustible materials.

Fire department.

§ 14. They shall also have power to provide for inclosing, improving and regulating all public grounds within the said town, and the burial or other public grounds of the corporation, beyond the said town; and for the punishment of injuries or damages done to trees, fences, buildings, monuments or other improvements thereon.

Public grounds.

§ 15. They shall further have power to make regulations to prevent the introduction of contagious diseases into the said town; to make quarantine laws for that purpose, and enforce the same, within five miles of the said town; also, to establish a hospital or hospitals in said town, or within five miles of the same, for the treatment of any epidemic or contagious disease, and make regulations for the

Preservation of health.

government of the same; also, to make regulations to secure the general health of the inhabitants; to declare what shall be a nuisance, within the limits of the corporation, and to prevent and remove the same.

Driving of horses,  
&c.

§ 16. They shall also have power to regulate the speed with which horses or other animals may be rode or driven, within the limits of the corporation, and to restrain and punish cruelty in the treatment of animals, within those limits; also, to restrain cattle, horses, sheep, swine and dogs from running at large in said town, and to provide for the security of wagons and other carriages, which may be used within the limits of the corporation, and for the protection of the inhabitants against injury by reason of horses or other animals fastened to such carriages running with or breaking from the same.

Disturbances of  
the peace.

§ 17. They shall likewise have power to prevent and punish riots, routs, affrays, assaults and batteries, breaches of the peace, disturbances of worshipping assemblies, or of the deliberations of public meetings, disorderly interruptions of any public lectures or licensed exhibitions, all indecent or obscene exhibitions and practices, and other disorderly conduct, within the limits of the corporation: *Provided*, that no person shall be deprived of the right of trial by jury, in any case, where such person would be entitled to such trial for a like offense against the laws of this state.

Suppression of  
horse racing.

§ 18. They shall have power to prevent and punish battles by agreement, fighting matches, horse racing, cock fighting, within the limits of the corporation, and within two miles of the same.

Tippling houses.

§ 19. They shall have power to restrain, prohibit and suppress billiard tables, ball alleys, tippling houses, dram shops, gaming houses, bawdy and other disorderly houses in said town, and within two miles of the limits of said corporation.

Police regulations

§ 20. They shall have power to regulate the police of the town; 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 and of this state; 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. The style of the ordinances of said board shall be, "*Be it ordained by the President and Trustees of the Town of Tuscola.*"

Appointed officers.

§ 21. The board of trustees are hereby vested with power to appoint a town clerk, town constable, who shall be, *ex officio*, the collector of said town, a treasurer and assessor for said town; a street commissioner, an attorney, or other subordinate officers, and appoint and remove, at pleasure, the

officers, as they shall determine to be necessary to the accomplishment of the objects and ends the act of incorporation; and to provide for the fees and compensation of said officers, and to regulate their duties; and whenever any vacancy shall happen, by the death, removal or resignation of any one of said officers, it may be filled by appointment of the board.

§ 22. The town constable shall be authorized to execute any where within the limits of Douglas county all writs, process and precepts which may be issued against persons or property by any court of general or limited jurisdiction, by virtue of any of the powers specified in this act, and to arrest, on view, all persons who may violate any ordinance of said corporation. Town constables.

§ 23. Fines, forfeitures and penalties, which may be assessed or recovered, for the use of said corporation, may be levied, in the first instance, by virtue of executions, to be issued forthwith, of the goods and chattels of the offender, within the county. And the said board shall have power, also, to provide for the punishment of offenders, by imprisonment in the county jail, or other place of imprisonment used by said corporation, in all cases where such offenders shall fail or refuse to pay the fines, forfeitures and penalties which may be recorded against them. Levying of fines.

§ 24. That all summons and other process issued against parties charged with violations of the ordinances or by-laws of said town, shall be made returnable forthwith, and executions, in such cases, shall be issued immediately. That in all cases where persons are ordered to be imprisoned or committed to jail, on conviction of offenses against the by-laws or ordinances of said town, under the provisions of existing laws, the persons so ordered to be imprisoned or committed may be compelled to labor on streets or other improvements of said town at the rate of one dollar per day, until satisfaction is made of the penalty imposed or judgment recovered; during which time the parties so punished shall be furnished with healthy and suitable board and lodging, at the expense of the corporation, but which shall be charged against the parties punished, as costs. Return of summons.

§ 25. That the assessment of property in said town of Tuscola, for taxation, for the year eighteen hundred and sixty, be and the same is hereby declared legal, and that all ordinances and public acts passed by the board of trustees of said town, which remain unrepealed, are hereby declared legal and in full force and effect: *Provided*, that the same are consistent with the constitution of the United States and of this state. Former assessment legalized.

§ 26. That the said board of trustees be and are hereby vested with power to extend and open to the line of the corporation any street or alley passing through the original town or any addition thereto, whenever the public interest Opening and extending of streets



or convenience may require the same; and whenever the right of way for any such extension cannot be obtained by contract the board of trustees may proceed to obtain the same, under the provisions of chapter XCII., code of 1845, entitled "Right of Way," or under the provisions of the existing law on that subject, with reference to said town; and that parcels or bodies of land, of five acres and over, used for agricultural purposes, within the corporation limits shall not be subject to corporation tax.

Report of expenditures.

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

Publication of ordinances.

§ 28. All ordinances passed by the said board shall be published in some newspaper printed in said town, and shall have been published as aforesaid. Any of said ordinances shall be sufficiently proved, in any court, by a production of a copy of the same, certified by the clerk of the corporation, or a printed copy of the same, taken from the newspaper or pamphlet in which it has been published: *Provided*, the same purports to have been published by authority of the corporation.

Appeals and writs of certiorari.

§ 29. In cases arising under this act or growing out of the by-laws and ordinances made in pursuance of this act, any justice of the peace, within said corporation, shall have jurisdiction to hear and determine the same; and appeals may be taken and writs of *certiorari* allowed from any such decisions, in the same manner as now is or hereafter may be provided by law for appealing from judgments of justices of the peace.

§ 30. This is hereby declared to be a public [act]; to be received and used in all courts, without proving and pleading the same, and shall take effect from and after its passage.

APPROVED February 22, 1861.

In force February 18, 1861.

AN ACT to amend an act entitled "An act to incorporate the town of Vermont," approved February 13, 1857.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That section two, in said act, in relation to the boundaries of said town be and the same is hereby amended so as to restrict the corporate limits of said town to the following described lot to wit: Southwest quarter and northwest quarter of section twenty-nine, in township four north of the base line east of the fourth principal meridian.

§ 2. That so much of said act as is inconsistent with this act be and the same is hereby repealed.

§ 3. This act to take effect from and after its passage.  
APPROVED February 18, 1861.

AN ACT to amend an act entitled "An act to incorporate the town of Virginia, in the county of Cass, and state of Illinois." In force February 22, 1861.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That if a majority of the legal voters shall so decide, the trustees of the town of Virginia shall have power to erect a town prison house, within the corporate limits of said town, and and to make all needful regulations for the safe-keeping of all persons confined therein. Town prison.

§ 2. The trustees of the said town of Virginia shall have power to provide, by ordinance, for the punishment for offences against the ordinances of said town, by imprisonment in the town prison: *Provided*, imprisonment for any one offense shall not continue more than thirty days.

§ 3. It shall be the duty of the town trustee to give five days' notice of the election hereinbefore provided for, and to act as judges and clerks of election: *Provided*, that if said trustees shall fail or refuse to act in the premises notice of the election may be given by any five legal voters of the town of Virginia; and the judges and clerks of said election may be selected as provided by the general election law of the state of Illinois. Notice of election.

§ 4. All persons shall be entitled to vote or hold office under this act who have resided within the said corporation ninety days next preceding any election they may offer to vote at and have the qualification of voter for a member of the general assembly. Qualification.

§ 5. Section twenty-three of the charter is hereby repealed, and the school district of said town of Virginia is hereby remanded back to the original form, as it existed before said town of Virginia was incorporated; also the words "and a school district," in section thirty-three, of said charter, are hereby stricken out.

§ 6. All farming lands, in tracts of five acres or more, actually cultivated, within the said corporation limits, shall be taxed for town purposes, according to the assessed valuation of the county assessor. Taxes.

§ 7. This law shall be in force from and after its passage.

APPROVED February 22, 1861.

In force February 21, 1861. AN ACT to legalize the incorporation of the town of Versailles, in Brown county, in the state of Illinois.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the incorporation of the town of Versailles, in the county of Brown, be and the same is hereby declared legal.

§ 2. The acts and doings of the said incorporation, heretofore ordained by the corporate authorities, not in conflict with the constitution of the state, are hereby declared legal.

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

APPROVED February 21, 1861.

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In force February 21, 1861. AN ACT to vacate certain streets and alleys in the town of Vandalia, therein named, and other purposes, and to vacate public square in Huntsville, Schuyler county.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That so much of Eighth street, as lies between the south side of St. Clair street and the northwest corner of block eight and the northeast corner of out lot number 39, of six acres, in the town of Vandalia, be and the same is hereby vacated, and the ground occupied by said street be attached to lot No. one, in said block eight, and become a part of said lot.

Block eight.

§ 2. *Be it further enacted,* That the alley running through block No. eight, in said town, be and the same is hereby vacated, and the ground occupied by the same be and the same is hereby attached to and becomes a part of lot No. eight, in said block eight, in the town of Vandalia.

St. Clair street.

§ 3. *Be it further enacted,* That St. Clair street, from the east side of Seventh street, to the west side of Eighth street, in said town, be and the same is hereby vacated, and the ground occupied by said street be and the same is hereby attached to and made part of lots one and eight, of block eight, in said town.

§ 4. *Be it further enacted,* That the alley running through block No. 25, and the alley running through block No. 38, in the town of Vandalia, and Madison street, from the west side of Seventh street to the west end of out-lots No. 40 and No. 41, and Eighth street, from the north side of Main street, to the south side of Madison street, be and the same are hereby vacated.

§ 5. That this act to take effect and be in force from and after its passage.

§ 6. Nothing in this act contained shall, in anywise, impair or interfere with the rights of individuals in and to the lands above named and described.



That the public square in the village of Huntsville, in Schuyler county, Illinois, is hereby vacated, and the title thereto shall hereafter be vested in George P. Sidner, Nathan J. Everson, and Nicholas Bermood, school directors of school district No. one, in township two north, range four west of the fourth principal meridian, in Schuyler county, Illinois, and to their successors in office, for the use and benefit of said district.

APPROVED February 21, 1861.

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AN ACT to incorporate the Town of Virden.

In force February  
22, 1861.

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 Virden, in the county of Macoupin, are hereby declared a body corporate and politic, with all the rights, privileges and powers conferred upon the town of Carlinville, by an act entitled "An act to incorporate the town of Carlinville," approved February 9th, 1853; and all the provisions of the act aforesaid and, also, an act amendatory thereto, entitled "An act to amend an act entitled 'an act to incorporate the town of Carlinville,'" approved February 15th, 1855, together with all the provisions of said last mentioned act, are hereby declared applicable to the said town of Virden.

§ 2. Before this act shall take effect it shall be submitted to a vote of the residents of said town of Virden, at an election to be held in some public place in said town on the first Monday of May next; at which election all persons entitled to vote by the laws of this state for state and county officers, who are actual residents of said town, as at present laid off, shall be entitled to vote upon the question of the adoption of this act. Said election shall be held and conducted by three judges and two clerks, to be chosen by the electors on the morning of the election, in the same manner as now provided by law, where the judges of election do not attend, who shall be qualified as now required by law; and every person entitled to vote on this question shall vote by ballot, written or printed thereon, "For Incorporation," or "Against Incorporation." And if a majority of all the votes cast shall be for incorporation then this act shall take effect and be in force, and not otherwise. And, if adopted, an election shall be held in said town on the third Monday of May next, for all the officers whose election is provided for by the act which will be in force by the adoption of this act.

Vote upon charter.

§ 3. The votes cast at said election shall be canvassed by the judges and clerks of said election, as now provided

Canvass of votes.

for by law, and the result thereof shall be certified, under the hand and seal of said judges and clerks, and shall be recorded by the clerk of the county court of the county of Macoupin, on the record of said court; and which record shall be evidence, in all courts and places, of the facts therein stated.

§ 4. If this act shall take effect, as above provided, the officers elected under the provisions of this act shall hold their office until the next regular election, as provided for by the act which will be in force by the adoption of this act.

§ 5. This act shall be in force from and after its passage.  
APPROVED February 22, 1861.

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In force February  
20, 1861.

#### AN ACT for the relief of the Town of White Hall.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* All moneys arising from the licensing of the sale of intoxicating drinks within the corporate limits of the town of White Hall, shall be paid into the treasury of the said town of White Hall.

§ 2. All acts or parts of acts conflicting with this act are hereby repealed.

§ 3. This act shall take effect from and after its passage.  
APPROVED February 20, 1861.

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In force February 22, 1861. AN ACT to legalize the second survey of the Town of Wapella, in DeWitt county, Illinois.

WHEREAS errors were made in the first location and survey of the town of Wapella, in said county and state; therefore,

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the survey and plat of the town of Wapella, as made by Oliver Lakin, present county surveyor of DeWitt county, except as hereinafter excepted, be deemed and taken to be the correct map and plat of said town.

§ 2. That all that portion of said town plat of Wapella which has been, before the date of this act, vacated by Daniel A. Neal, the owner of the property of said town, as the same is now recorded in the records of said DeWitt county, be vacated.

APPROVED February 22, 1861.

AN ACT to amend "An act to incorporate the Town of Warren."

In force February  
22, 1861.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the president and trustees of the town of Warren shall hereafter, in addition to the powers already conferred upon them by an act of incorporation, approved February 24th, 1859, have power to open, abolish, alter, widen, extend and establish streets, alleys and public grounds in said town.

§ 2. Whenever the president and board of trustees shall deem it necessary to take private property for opening, altering, widening or extending any public street or alley, in said town, the corporation shall make just compensation to the owner or owners for such property taken; and in case the amount of such compensation shall not be agreed upon, the president and board of trustees shall cause the amount to be ascertained by a jury of six disinterested freeholders of some adjoining town. Opening of streets

§ 3. The collector appointed by the president and board of trustees, under section 7 of the act of incorporation of said town, shall be required to file a bond, before assuming the duties of his office, with good and sufficient securities, in a sum designated by the board of trustees; and all officers, by appointment, under said act, shall continue in office for one year, unless removed by a majority vote of the board of trustees. Collector.

§ 4. Section 8 of said act of incorporation is hereby amended, so as to read, in the 3d line, "except in cases where they are enjoined in prosecuting, defending, attending to or settling any suit or suits in behalf of said corporation."

§ 5. Section 11 of said act of incorporation is hereby amended, so as to read, in the 3d and 11th lines of said section 11, "real and personal property, in said town;" also, to read, in the 12th line of said section 11, "and if a majority of the votes are in favor of said taxation then an assessment shall be made, in accordance with the provisions of the act of incorporation and the several amendments thereto."

§ 6. The president and trustees of said town shall have power to establish, by ordinance, a penalty, in conformity to the statute, in such cases made and provided, for all cases of assault, assault and battery and affrays, that may occur in said town; and all penalties so recovered shall be paid into the treasury of said town, for the use of said corporation; and they shall also have power to provide, by ordinance, for the punishment of offenders against any ordinance of said town, by imprisonment in the county jail or town calaboose, not exceeding thirty days for any one offense, in all cases when the offender or offenders shall fail or refuse to pay the fines and forfeitures which may be recovered against him or them. Penalties.



Street tax.

§ 7. The said board of trustees shall have power to levy a tax, annually, on ail the personal and real property of said town, for street, alley and bridge purposes, in a sum not to exceed twenty cents on every one hundred dollars taxable property, to be ascertained from the assessment for state and county purposes; which tax may be paid, in money, to the street commissioner, or in labor, under the direction of the street commissioner, at the rate of seventy-five cents per day; and all sums returned, under affidavit, by the street commissioner, as unpaid, shall be reported to the clerk of the county court, who shall annex the same to the tax list for county and state purposes, to be collected as in all cases of delinquent taxes; and, when collected, shall be paid into the treasury of said town, for the use of said incorporation. Section 13, of said act of incorporation, except so much as relates to the two day labor tax, is hereby repealed.

Fires.

§ 8. The president and board of trustees shall have power to provide, by ordinance, for the prevention and extinguishment of fire and to organize, establish and regulate fire and hook and ladder companies; to prescribe the manner of building chimneys, arranging flues and pipe connected with stoves; and, for this purpose, may appoint an inspector and prescribe his duties; and they shall have power to provide for the inspection and weighing of hay and coal and the measurement of wood and other fuel to be used in said town.

Crossings.

§ 9. The said board of trustees shall have power to establish crossings on railroads, within the corporate limits, and make the necessary rules and regulations for keeping the same unobstructed.

§ 10. All former acts of the president and board of trustees, in their official capacity, which are not contrary to the constitution and laws of the state or the constitution of the United States, and only defective in form, as trustees of said town of Warren, are hereby legalized.

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

APPROVED February 22, 1861.

In force February  
22, 1861.

AN ACT to repeal the fourth section of article twelve of "An act to reduce the act incorporating the city of Warsaw and the several acts amendatory thereof in one act, and to amend the same."

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That the fourth section of article twelve of "An act to reduce the act*

incorporating the city of Warsaw and the several acts amendatory thereof into one act, and to amend the same," be and the same is hereby repealed.

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

APPROVED February 22, 1861.

AN ACT relating to elections in the town of Waterloo, in Monroe county. In force February 22, 1861.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That at all elections, hereafter held, under the charter and by-laws of the incorporation of the town of Waterloo, in Monroe county, all persons, resident of said incorporation, shall be entitled to vote who are by the constitution and laws of this state entitled to vote, anything in the charter and by-laws of said town to the contrary notwithstanding.

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

APPROVED February 22, 1861.

AN ACT authorizing the town of Wilmington and other towns to raise a tax for the improvement of the Kankakee river. In force February 22, 1861.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That it shall be lawful for the legal voters of the towns of Wilmington, Reed, Wesley and Florence, in the county of Will, and the towns of Essex, Norton, Salina and Rockville, in the county of Kankakee, and the towns of Greenfield, Bracerville and Felix, in the county of Grundy, at their next or any subsequent annual town meeting, or at any special meeting legally notified for that purpose, to vote for or against a tax for the improvement of the Kankakee river, from the state dam, up said river, to the head of the island at the village of Wilmington. Notice of said vote shall be given by the respective town clerks of said towns, by posting up written or printed notices thereof in three of the most public places in each of said towns, at least ten days prior to said town meetings. Vote upon levying tax.

§ 2. Said vote shall be taken by ballot, upon which shall be written or printed, or partly written and partly printed, "For the Tax," or "Against the Tax." If it

shall be found that a majority of the voters of said towns, respectively, and a majority of said towns, respectively, voting upon the question, have voted in favor of the tax, then there shall be assessed, for and during the term of three years, an annual tax of one-half of one per cent. upon every dollar's worth of property, both real and personal, in said town, or of whichever of said towns shall have voted in favor of said tax; which tax shall be collected in the same manner as other taxes are collected, except that it shall be paid in money only. Said votes shall be canvassed, as nearly as may be, as votes at general elections are canvassed, and shall be certified to by the moderators and clerks of said town meetings, and filed in the office of the town clerks of said towns, respectively.

Collectors' duties.

§ 3. The collectors of each of said towns shall, annually, pay over to the treasurer of the Kankakee Company the amount of taxes collected under the provisions of this act, after deducting his fees, which shall be the same as in other collections, and shall receive his receipt therefor. And the proper officer of said company shall make out and deliver to the supervisor or town clerk of said towns, respectively, a certificate of stock in said company, for so many shares at their par or full value as there seems so paid over, from year to year; shall call for, in even shares; and all fractional sums, less than a full share, shall be receipted for, to be adjusted on the final payment of said tax: *Provided*, that in no case shall either of said towns be held to pay over to said company, upon such stock, a greater sum than the taxes above provided for.

Towns to take stock.

§ 4. Said towns shall, respectively, be considered stockholders in said company, and shall each be entitled to as many votes, in all meetings of stockholders of said company, as their respective shares will entitle them to; which votes may be given by the supervisors, for the time being, of each of said towns, unless said towns shall, at a regular town meeting, otherwise direct.

Application of funds.

§ 5. The money so raised and paid over shall be faithfully applied by the said Kankakee Company to the improvement of the navigation of the Kankakee river, from the state dam or Kankakee feeder to the head of the island at the village of Wilmington.

Second election.

§ 6. In case less than a majority of the towns aforesaid shall vote in favor of said tax, at any annual town meeting it shall be the duty of the town clerk and supervisor of each of the towns voting against said tax to call a special town meeting, giving like notices as above, within thirty days after said first vote; at which time said voters may again vote for or against said tax. And in case a majority of those voting on the question shall vote in favor of a tax the same shall be levied and collected, as above set forth. And in case a majority shall vote against said tax, then no



tax shall be collected for that year; but in case any of said towns shall not raise said tax the present year it shall be lawful for any of said towns to take a like vote at the annual town meeting for the year 1862, or call a special town meeting for that purpose; and the provisions hereinbefore provided shall be applied to that and all subsequent taxes, as nearly as may be; and the same shall be levied for like period from and after the said vote is taken.

§ 7. This act shall not be construed to interfere with or any way alter or change the right of or be binding upon the said Kankakee Company or their lessees or assigns, unless the board of directors of said company shall, at a meeting of said board, accept this act, and enter their acceptance upon their records, or unless their lessees or assigns shall in like manner accept the same.

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

APPROVED February 22, 1861.

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AN ACT to extend the corporate limits of the town of Winchester.

In force February  
22, 1861.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the corporate limits of the town of Winchester, in Scott county, Illinois, be so extended that the same shall be one mile square—the present court house in said town being the center of said square: *Provided,* that the boundary of said town, on the southeast corner thereof, shall be the right bank of the Big Sandy creek.

§ 2. All farming lands, included within the foregoing limits, of ten or more acres, lying in one body, shall be exempt from corporation taxes.

§ 3. After the passage of this act the president and trustees of said town shall, on giving ten days' public notice, order an election to be held, at which election all legal voters, residing within the proposed limits, shall have the privilege of voting; and the question submitted to be voted upon shall be, whether said corporate limits shall be extended, as above provided; and if a majority of the votes cast at said election shall be in favor of said extension, then the foregoing sections shall be in full force thereafter; but if a majority of said votes shall be against said extension then the foregoing sections shall be null and void.

Vote upon extension  
of limits.

APPROVED February 22, 1861.

In force February  
22, 1861.

AN ACT to repeal an act therein named, and for other purposes.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That at the next charter election, in the town of Woodstock, in the county of McHenry, to be held on the first Monday in April, A.D. 1861, the legal voters of said town, who shall have been assessed previous to the passage of this act, to pay a property tax, under and by virtue of the act of incorporation or any amendment thereto, and who shall, prior to said election, have paid all taxes which shall so have been assessed against their property, shall vote for or against the repeal of the said act of incorporation.

Vote upon repeal.

§ 2. Said voting shall be by ballot, written or printed "For Repeal" or "Against Repeal;" and there shall, at such election, be kept a separate poll list, upon which shall be entered only the names of such persons as are entitled to vote under the provisions of this act; and the said ballots shall be deposited in a separate box and canvassed in the same manner as votes for president of said town are required to be canvassed, under the provisions of the said act of incorporation; and the penalties for fraudulent voting or false swearing shall be the same as for fraudulent voting or false swearing at any general election.

§ 3. If, on the canvassing of said votes, it shall appear that a majority of the said votes have been given "For Repeal" the act entitled "An act to incorporate the town of Woodstock, McHenry county, Illinois," approved June 22, 1852, and the several acts amendatory thereto, shall be repealed, and of no further force whatever; otherwise it shall remain in full force and effect.

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

APPROVED February 22, 1861.

In force February  
19, 1861.

AN ACT to incorporate the Tribune Company.

SECTION 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly,* That John L. Scripps, Charles H. Ray, Wm. Bross, Joseph Medill, and Alfred Cowles, and their associates and successors and assigns, are hereby created a body corporate and politic, under and by the name, style and title of "The Tribune Company," with perpetual succession; and by that name shall be and are hereby made capable, in law and equity, to sue and be sued, plead and be impleaded, defend and be defended, in all courts of law or equity in this state or elsewhere; to make,

have and use a common seal, and the same to renew or alter at pleasure; and shall be and are hereby vested with all the powers, privileges and immunities which are or may be necessary to carry into effect the purposes and objects of this act. The capital stock of said company shall be two hundred thousand dollars; the same to be divided into shares of one hundred dollars each; which capital shall be used, mainly, in the printing, publishing and binding business, in the city of Chicago, county of Cook, and state of Illinois; and be invested in such engines, printing presses, machinery, types, paper, fixtures and such other articles as may be necessary to carry on the printing, publishing and binding business.

Capital stock.

3d. The said company shall, also, have power to manufacture, in the city of Chicago or elsewhere, paper and such other articles as they may use in the business of printing, publishing and binding, as aforesaid; and shall have power to purchase and hold so much real estate and water power as may be necessary to carry out the provisions of this article third.

Objects of company.

4th. The said company shall have power to purchase and hold all such real estate as may be sold under mortgage, trust deed, execution, or other legal process, to secure and satisfy debts due to the said company.

Purchase of real estate.

5th. The said company shall have power, to purchase and hold so much real estate and lots, not exceeding two hundred (200) feet front on any street in the city of Chicago, and to erect suitable buildings thereon; the same to be used, mainly, in the printing, publishing, binding and manufacturing business, as aforesaid. And all real estate purchased under the provisions of such fifth or under those of article third and article fourth, may be sold, aliened and conveyed, at the pleasure of said Tribune Company. All deeds of real estate shall be made to said Tribune Company. And deeds and conveyances made by said company shall be authorized by vote of the stockholders who own or legally represent at least two-thirds of the shares of the stock of said company. And said deeds and conveyances shall be signed by the president and secretary of said company, and be attested by the corporate seal thereof.

6th. Said Tribune Company shall have power to lease such real estate and building as may be necessary to carry on the business of said company; and said company may sub-let or lease to others such apartments or rooms in their own building or buildings, leased by them, as may not be needed in the printing, publishing and binding business, as aforesaid.

Lease of property

7th. The said company shall have power to make all needful and necessary rules for the regulation and direction of its affairs; and, when so made, they shall be binding upon the stockholders of the said company; and said rules,

Rules and regulations.



thereafter, shall not be altered, changed or amended, except by vote of the stockholders owning or legally representing at least two-thirds of the shares of the stock of the said company, at some regular meeting; of which due notice shall be given, in writing or otherwise, to all of said stockholders, at least ten days before said meeting.

Organization.

§ 8. Whenever stock to the amount of sixty thousand dollars shall have been subscribed and twenty-five per cent. thereof shall have been paid, it shall be lawful for the stockholders to commence business, under this act; and they may elect and appoint a president, secretary and treasurer, and such other officers and servants as they may deem necessary, and fix their compensation and term of office, by such by-laws as they make and establish; and the said stockholders shall be liable, in proportion to the amount of stock severally held by them, for all debts contracted by the said corporation during the time they were stockholders aforesaid and for six months after the assignment of the stock so held by them respectively.

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

APPROVED February 18, 1861.

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In force February 20, 1861. AN ACT to authorize the Trustees of the Illinois and Michigan Canal to enter into certain agreements therein specified.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the trustees of the Illinois and Michigan Canal are hereby authorized to enter into agreements or contracts, concerning the pumping of water into said canal, at the junction of said canal with the South Branch of the Chicago river; said agreements or contracts to be entered into, either for the purpose of changing the water in said river or of increasing the supply of water in said canal, for water power or other purposes, with any corporation, civil or municipal, or with any person or persons, as they may deem for the best interests of said canal and state of Illinois, and without expense or loss to the state.

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

APPROVED February 20, 1861.

AN ACT to incorporate a turnpike or macadamized road, from Perry, in Pike county, to the Illinois river, opposite Naples. In force February 20, 1861.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That such persons as shall become stockholders, agreeably to the provisions of this act, shall be, for the term of fifty years from and after the passage of this act, and shall continue to be a body corporate and politic; and by that name, may sue and be sued, plead and be impleaded, answer and be answered, in all the courts of law and equity; may have and use a common seal, and alter the same at pleasure; may make rules and by-laws for the regulation of their affairs, and transfer their stock, not inconsistent with the laws and constitution of the United States and the laws and constitution of this state.

Corporate name.

§ 2. Said corporation shall have power to construct and maintain a turnpike or macadamized road, of such width as may be deemed advisable by the directors of said company, from the town of Perry, to the most eligible place on the Illinois river opposite Naples or its vicinity.

Powers and privileges.

§ 3. The capital stock of said company shall be ten thousand dollars which shall be considered as personal property, and divided into shares of twenty-five dollars each. However, said capital stock may be increased sufficient to complete said road; and said company is hereby authorized and empowered to borrow any sum of money, not exceeding six thousand dollars, at any rate of interest not exceeding ten per cent. per annum; and to execute bonds or other writings evidencing said indebtedness and binding upon said company.

Capital stock.

§ 4. That Hugh L. Sutphin, B. L. Mathews, John R. Cleavland, Thomas Reynolds and George P. Rex, or a majority of them shall be commissioners for receiving subscriptions to the capital stock of said company, and shall require at least five per cent. upon the amount of subscription, to be paid down at the time of subscribing.

Commissioners' to open subscriptions.

§ 5. The affairs of said company shall be managed by five directors, three of whom shall form a quorum for the transaction of business; and as soon as the sum of one thousand dollars shall be subscribed to the capital stock of said company, the commissioners named in this act shall call a meeting of the stockholders, to be held in the town of Perry, for the purpose of electing directors. Notice of said meeting shall be given at least three weeks previous to the time of holding thereof. The said directors shall hold their office for the term of two years and until their successors are elected and qualified. All subsequent elections shall be held at such time and place as may be fixed by the by-laws of said corporation.

Directors.

Books for sub-  
scription.

§ 6. It shall be the duty of said commissioners, or a majority of them, named in this act, within three years after the same takes effect, to open books in Perry, as aforesaid for the purpose of receiving subscription to the capital stock of said company; and notice of the time and place when and where said books will be opened shall be given by said commissioners, by publication in a newspaper published in Pike county, for at least three weeks previous thereto.

§ 7. Upon the election of directors and the organization of the board of directors, said commissioners shall deliver over to said board all moneys received by them on subscription to said capital stock, together with all subscription books, and all other property pertaining to the business of said company which may be in their hands.

Time of com-  
mencement.

§ 8. Said company shall commence the construction of said turnpike or macadamized road within four years from the time of this act takes effect, and shall complete within ten years thereafter; and as soon as two miles of said road shall be completed may erect toll gates thereon and collect the toll allowed by this act; and the said directors are hereby authorized to locate and use, for the construction of said turnpike or macadamized road, any of the public roads in said county of Pike, leading from the town of Perry to the Illinois river, opposite or near the town of Naples, in Scott county.

Rules of toll.

§ 9. The said corporation shall have power to fix and regulate the toll to be charged and paid for passengers on said road: *Provided*, said toll shall not exceed the following rates: For every vehicle drawn by two animals, three cents per mile, and one cent additional, for each mile for every animal more than two; for every vehicle drawn by one animal, two cents per mile; for every horse and rider or led horse one cent per mile; for every five of neat cattle, one cent per mile. And it shall be lawful for any toll gatherer to stop and detain any person going on said road until the toll properly chargeable shall be paid; and if any person shall pass a toll gate forcibly and without having first paid the legal toll, for every such offense shall forfeit and pay to the corporation the sum of five dollars; and if any person shall tear up, injure or damage any part of said road or any thing belonging to said corporation, such person shall forfeit and pay three times the amount to the said corporation of damage actually done; and no forfeiture shall be a less sum than five dollars. All forfeitures and penalties incurred under this act may be recovered in any court having cognizance thereof, and may be prosecuted in an action of debt before a justice of the peace, if the sum does not exceed one hundred dollars.

Transfer of stock.

§ 10. That the shares in said company may be transferred by assignment; and any subscriber to the capital



stock of said company shall not be responsible, beyond the actual amount of stock by him so subscribed; and said company shall have power to sue for and recover, in any court having jurisdiction of the same, any sum or sums of money or installments thereof, which may be subscribed as stock in said road, whenever default shall be made by the person or persons so subscribing in the payment of such stock or installments thereof, and no property shall be exempt from execution for the collection of such stock, any thing in the law to the contrary notwithstanding.

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

APPROVED February 20, 1861.

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AN ACT to amend "An act to incorporate the St. Clair County Turnpike Company," approved February 13th, 1847, and the various amendments thereto. In force February 16, 1861.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* To prevent destruction of the road, by overloading of wagons, the St. Clair County Turnpike Company is hereby allowed to charge, on all wagons having a load of over ninety bushels of stone-coal, or over thirty-six barrels of flour, or over twenty barrels of whisky, or over twenty barrels of beer, or over seven thousand two hundred pounds of other goods, produce, merchandise or other manufactured goods, double the rates of toll fixed by their charter and amendments thereto. Rates of toll.

§ 2. The St. Clair Turnpike Company is hereby authorized to extend their road across Cahokia creek, using the bridge over said creek which connects the St. Clair Turnpike Company with the dike on Bloody Island, and over said dike to its western shore, opposite the city of St. Louis; and shall keep the road on said dike and bridge in good repair, and build a new bridge, if the present one should float away or become unsafe for traveling; but shall not be held responsible for any destruction of the dike by high floods. And the said company is hereby authorized to erect a toll-gate on said dike, or on or near said bridge, and collect the following rate of tolls, viz: For each vehicle, drawn by one or two horses or other animals, five (5) cents; for each vehicle, drawn by three horses or other animals, seven (7) cents; for each vehicle, drawn by four horses or other animals, ten (10) cents; for each additional horse or other animal, one (1) cent; for each led or loose horse or mule, one (1) cent; for each head of loose cattle, one-quarter ( $\frac{1}{4}$ ) cent; for each head of sheep or hogs, one-sixth ( $\frac{1}{6}$ ) cent; for each horse and man, two (2) cents. Road to be extended.  
Toll gate on dyke

Dividends.

§ 3. Should the tolls of the St. Clair County Turnpike Company, after keeping the road in good repair, enable said company of declaring a dividend of over ten per cent. per annum, then said tolls shall be reduced by the county court, so that the maximum dividend shall not exceed ten per cent., yearly, on the capital stock of said company. So much of the act and amendments to which this is amendatory as conflicts or is inconsistent with this act, or any part thereof, is hereby repealed.

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

APPROVED February 16, 1861.

In force February 16, 1861.

AN ACT to authorize the county court of Monroe county to subscribe to the capital stock to the Waterloo and Carondelet Turnpike and Ferry Company.

Vote upon subscription.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That when the county clerk of Monroe county shall give notice, as is required by law, of the election to be held in June, A.D. 1861, he shall, likewise, give notice of a vote to be then and there taken, by the legal voters of said county, for or against the subscription, by the county court of said county, of twenty-five thousand dollars to the capital stock of the Waterloo and Carondelet Turnpike and Ferry Company; which vote shall be taken by ballot, upon which shall be written or printed, or partly written and partly printed, "For the Subscription," or "Against the Subscription."

Payment of subscription.

§ 2. If it shall be found that a majority of the votes of said county, voting at said election, have voted in favor of said subscription, then the county court of said county, at its next regular term thereafter, shall pass an order authorizing and requiring the county judge to subscribe said sum of twenty-five thousand dollars to the capital stock of said company—said subscription to be paid to the treasurer of said company by the collector of said county, in the following manner, to wit: Five thousand dollars on or before January first, A. D. 1863, and the like sum on the first day of January, each year thereafter, for four years thereafter, until the whole of said twenty-five thousand dollars is paid.

Additional.

§ 3. The county court of said county shall, in addition to all other taxes, levy and collect, on all taxable property, personal and real, in said county, a special tax, not exceeding one-half of one per cent., each year, for five years, beginning with the year eighteen hundred and sixty-two, for the purpose of paying said subscription: *Provided*, this act takes effect.

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

APPROVED February 16, 1861.

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AN ACT to authorize the County Court of Monroe county to borrow money and levy a tax to pay the same. In force February 21, 1861.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the county court of Monroe county be and is hereby authorized to borrow a sum of money, not exceeding ten thousand dollars, in the discretion of said court, at a rate of interest not exceeding ten per centum, per annum, for the purpose of constructing and repairing county buildings and for other county purposes.

§ 2. The money borrowed under this act shall not be borrowed for a longer term than ten years from the first day of March next; and for the purpose of paying the interest which may accrue thereon, and which shall be paid annually, and for the purpose of enabling said county to pay the principal hereby authorized to be borrowed within the time specified, the said county court of Monroe county is hereby authorized to levy and collect a tax, not to exceed fifty cents on each hundred dollars' worth of taxable property in said county, in addition to the amount otherwise assessed for county purposes; which shall be assessed and collected in the same manner as other county taxes shall be assessed and collected, and which shall be designated as the "County Loan Tax," and shall cease to be levied so soon as the clerk of said court shall certify that the principal and interest of said loan is liquidated.

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

APPROVED February 21, 1861.

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AN ACT to authorize the Board of Supervisors of Marshal county to levy a special tax, to purchase certain bonds issued by said county to the Western Air Line Railroad Company. In force February 18, 1861.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the board of supervisors of Marshal county may and they are hereby authorized to levy a special tax on all taxable property in said county, both real and personal, at such time and such



amount as said board may determine, for the purpose of creating a fund to be applied to purchasing the bonds of said county issued to the Western Air Line Railroad Company, and for no other purpose whatever. Said tax shall be collected at the same time and in the same manner as other county and state taxes in said county.

§ 2. This act shall take effect from and after its passage.

APPROVED February 18, 1861.

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In force February 21, 1861. AN ACT for the relief of the Litchfield School District, in the county of Montgomery.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That the money collected by a tax of three-fourths of one per cent., levied in 1857, for the purpose of erecting a school house, upon property lying in that portion of the former school district, number one, in township nine north, range five west of the third principal meridian, which is now included in the Litchfield school district, be and the same is hereby declared to be the property of the Litchfield school district.

§ 2. That Israel Fogleman and Andrew Miller be and they are hereby appointed commissioners, and authorized to ascertain the whole amount of money collected by the tax aforesaid in said school district number one, and to apportion to that portion of said district which is now outside of the Litchfield school district, and to the Litchfield school district for that portion of said district, number one, which is now included in the Litchfield school district, each its just share of said money, in proportion to the amount collected by said tax from each of said portions.

§ 3. That Richard W. O. Bannon, who now has the custody of said money, be and he is hereby required to pay over the same, together with the interest that may have accrued while in his possession, according to the apportionment of said commissioners, within thirty days from the date of the same; which said money, together with the money arising from a tax of three-fourths of one per cent., which, for the purpose of making the burden of taxation equal, the city council of the city of Litchfield is hereby authorized to levy and collect upon all the property within said Litchfield school district, not heretofore included in said district, number one, shall constitute a building fund in said Litchfield school district, and may be appropriated to the purchase of a suitable site and building or to the erection of a building for school purposes.

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

APPROVED February 21, 1861.

## AN ACT for the relief of William M. Dustin.

Enforce February  
22, 1861.

WHEREAS, on the 19th day of June, A. D. 1854, one William M. Dustin purchased of the state of Illinois a certain tract of land, viz: the northeast quarter of the northeast quarter of section number nine, in township number twenty-seven north, and range number six east of the third principal meridian, containing forty acres, and paid into the treasury of the state of Illinois, therefor, the sum of one hundred and forty dollars; and whereas, prior to such purchase, the state of Illinois had sold and conveyed the aforesaid tract of land to Isaac P. McDowell and Oliver P. McDowell, to wit: on the 17th day of May, A. D. 1854, by means whereof the state of Illinois had no title in said tract, at the time of the said sale to the said Dustin; and said sale vested no title in the said Dustin, but his grantee has been ejected therefrom; therefore,

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the treasurer of the state of Illinois pay to William M. Dustin the sum of one hundred and ninety-four 60-100 dollars, out of any money not otherwise appropriated.

§ 2. This act to be in force from and after the passage of the bill.

APPROVED February 22, 1861.

DEPARTMENT OF STATE,

*Springfield, April 23, 1861.*

I, O. M. HATCH, Secretary of State of the State of Illinois, do hereby certify that the foregoing, except the words printed in brackets, thus, [ ] (which are inserted for the purpose of correction and explanation,) are true and perfect copies of the enrolled laws on file in my office.

In testimony whereof I have hereunto set my hand, the day and year aforesaid.

O. M. HATCH,

*Secretary of State*

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