





*Shinner Thacker*

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# PRIVATE LAWS

OF THE

# STATE OF ILLINOIS,

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TWENTY-FOURTH GENERAL ASSEMBLY,

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# PRIVATE LAWS.

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## LEVEES.

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AN ACT to amend an act entitled "An act to incorporate the Mississippi Levee Company," approved February 20, 1861, and to construct a railroad thereon. In force Feb. 16, 1865.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the fifth section of the above named charter be and the same is hereby amended so as to strike out the words "within two years and complete the same in five years" and insert "within ten years and complete the same within fifteen years." Times changed.

§ 2. Said company shall have the power to construct a railroad on the whole line of said levee, or any part thereof, and shall have power to unite and consolidate its railroad with any other railroad now constructed or which may hereafter be constructed within the state, and may extend said road from the northern or north-eastern terminus of said levee to the Mississippi river, or to connect with any road lying in a north-easterly direction, and may extend their said road in a southerly direction to connect with any road hereafter to be built in said southerly direction: *Provided*, said extension shall not extend further than twenty miles from their respective ends of said levee, and generally that all the rights and privileges granted to the Illinois Central Railroad Company are hereby conferred on the Mississippi Levee Company, to construct said road: *Provided*, said corporation shall be subject to such limitations in relation to rates of fare for transporting passengers and tariff on freight as shall hereafter be imposed by general law. May unite and connect.

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

APPROVED February 16, 1865.

In force Feb. 16, 1865. AN ACT to amend an act to provide for the constructing of a levee from Prairie Du Pont village, in St. Clair county, to Harrisonville, in Monroe county, approved February 24, 1859, and to declare the commissioners appointed by virtue of said act, a body corporate under the name and style of "The St. Clair and Monroe Levee and Drainage Company."

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

Name and style. commissioners appointed by said act, to which this is an amendment, or in pursuance of the provisions thereof, to wit: Andrew Donnan, William B. Quigley, Christian Roeln, John H. Wilson and Theodore Miller are hereby constituted and declared to be a body corporate and politic by the name and style of "The St. Clair and Monroe Levee and Drainage Company," and by that name shall have perpetual succession, and may have a common seal,

General powers. 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.

Object. § 2. The object and purposes of this act of incorporation shall be the leveeing and draining of the lands within that part of the district of lands described in the act to which this is an amendment, lying within the following southern boundary line, to wit: Beginning where the township line between township number one south of range eleven west and township two south of range eleven west intersects the Mississippi river, from thence east on said township line to the north-west corner of section number four, township two, south of range eleven west, from thence on a straight line in a south-easterly direction to the south-west corner of section number twelve, same township and range, from thence east on the section line on the south side of section twelve to the bluffs on the east side of the American Bottom, 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 objects 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.

Division of lands. § 3. The lands in said district shall be divided into two divisions: that portion of said lands lying in St. Clair county shall constitute the St. Clair division, and that portion lying in the county of Monroe shall constitute the Monroe division.

§ 4. The said corporators 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 corporators shall appoint a secretary, a treasurer, and the sheriffs of said counties shall be the collectors in their respective counties, 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 the respective offices. The said levee corporators may appoint such subordinate officers and agents as they may deem necessary to effectually carry out the purposes of this corporation, and may require bonds for the faithful discharge of the duties of such subordinates or agents. In no case shall either of said levee corporators, the treasurer, secretary or collector of said company, be interested in any contract 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 five thousand dollars, to be recovered by action of debt, in the said corporate name, before any court having jurisdiction thereof.

§ 5. 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 purposes, 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 repair of the same, by condemnation and payment of damages, under the act of this legislature, approved March 3, 1845: *Provided*, that in cases of appeal by either party, said company may use the property condemned, upon giving bond with security in double the amount of the damages assessed, payable to the owner of the property upon final judgment, which bond and security shall be approved by the clerk of the circuit court where the property is taken.

§ 6. The said corporation may, in its corporate name, 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 pur-

Proviso.

chased, 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 held by said corporation at any one time, shall not exceed in value the sum of one hundred thousand dollars.

Borrow money.

§ 7. The said company shall have power to borrow 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 twenty-five thousand dollars.

To issue bonds.

§ 8. The said corporators may issue bonds with interest coupons attached, not exceeding the sum of twenty-five thousand dollars, and secure the payment of the same by mortgages or deeds of trust on the whole or any part of the franchised 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 corporators, will best advance the interest of the said company; and if such bonds, or any of them, are thus negotiated 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.

Record of acts.

§ 9. The said corporators shall keep a journal of their proceedings, and for that purpose shall provide a well bound book to be styled "The Levee Corporation 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 said board may be in session, shall be signed by the president, as an evidence of the correctness thereof.

Levee record.

They shall provide themselves with a well bound book, to be styled "Levee Corporators' Record," in which they shall cause to be recorded all bonds given by 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 corporators may from time to time direct; and they shall also provide themselves with a suitable book to be styled "Levee Tax Book,"

Levee tax book.

in which shall be recorded a list of each tract of land in the said district, the description thereof, the number of acres in each tract as far as practicable, 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 by said levee commissioners from time to time upon each tract of land within said district.



§ 10. For the purpose of defraying the expense of the Annual tax. 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, twenty thousand dollars; which tax shall be levied upon the several tracts of land in the said district, in proportion to the benefit to accrue to the tract of land so assessed, and where no benefit will arise, no tax shall be assessed upon such lands as are not benefitted.

§ 11. In any year which the said company may deem it Tax lists. expedient to levy and collect a tax for the prosecution of their works, the said board of corporators, shall, at some regular meeting of their said board, previous to the first of September of any year, 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 this act. The said board of corporators shall cause to be made out and delivered to their collectors, on or before the tenth day of October next after making such levy and assessments, a complete list, certified by their secretary and 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.

§ 12. Upon the receipt of said lists, certified, the collec- Collection of tax tors of said company, shall fix upon some public place or places in each division of said districts, and appoint days 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 the county where the land lies, of the time when, and the 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.

§ 13. The collector of said company shall return to the Delinquent list. board of "levee corporators," on the last Monday of November of any year, in which they levy a tax, a list of de-

linquent 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.

List of delin-  
quent lands.

§ 14. The collectors of said company shall file a list of the delinquent lands of the St. Clair division of said district, with the county clerk of St. Clair county, and a list of the delinquent lands in the Monroe division, with the county clerk of Monroe county, at least five days before the term of said courts, at which application is made for a judgment, which list, with the affidavit of said collectors thereto, shall be recorded by said clerk, in the same record in which is recorded the list of delinquent lands for state and county taxes. The list may be in the following form:

A list of lands reported by the collector of the St. Clair and Monroe 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—, fil's this, his petition for a judgment and order of sale against said land, lying in — county, at the — term, 18—, of the — county court.

Owners' name.	Description of land.	No of acres.	Am't of tax.	Inter st.	Cost.	Total amount.
			\$		\$	\$

Sale of delin-  
quent lands for  
tax.

Within five days after judgment shall have been rendered against any lands, for taxes due thereon, or as soon thereafter as practicable, the clerk of the county court shall make out and deliver to the sheriff of the proper county, as collector of said company, a certified 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 or process shall be recorded by their secretary in the levee tax book of said company.

Applications for  
judgment.

§ 15. The collectors of 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 now required by law, to be given in like cases, by the collector of state and county taxes.

Judgment for  
taxes.

§ 16. 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 where there is no valid defense, enter judgments, in all res-

pects the same as in the case of applications for judgments against delinquent lands, by collectors of state and county taxes.

§ 17. 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. And the collectors shall report to the county clerks their proceedings, which shall be preserved as in cases of sales for county taxes.

§ 18. Lands sold for the taxes due thereon, by the collector of said company, may be redeemed at any time before the expiration of two years from the date of sale, by the payment, to the clerk of the county court of the proper county, of double the amount for which the same was sold, and all levee taxes accruing after such sale, with ten per cent. interest thereon from the day of sale, unless such subsequent levee tax has been paid by the person for whose benefit the redemption is made, which fact may be shown by the collector's receipt: *Provided*, that if the real property of any minor heir, *feme covert* or lunatic, be sold for taxes, the same may be redeemed at any time within one year after said disability be removed, upon the terms specified in this section, which redemption may be made by their guardians or legal representatives.

§ 19. The clerks of said county courts shall, from time to time, on demand, pay over to the treasurer of said company the redemption money provided for in section eighteen of this act, and said treasurer is hereby authorized to give receipts for the same in the name of said company.

§ 20. Said company may purchase lands at such sales, for levee taxes, and hold the same as natural persons, and any officer or agent of said company, or member, may purchase and hold such lands in like manner.

§ 21. The collectors 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 purchasers 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 provided by law for sheriff's deeds under the revenue laws of this state.

§ 22. No owner of lands 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.

Affidavit  
deed.

for § 23. The collectors of said company shall, within ten days next after they shall have executed a deed to any purchaser of delinquent lands for taxes, or as soon thereafter as practicable, cause to be recorded by the clerk of the proper county court the affidavit made by the said purchaser of his compliance with the sixth section of the act entitled, "An act to amend the several acts concerning the public revenue," approved February 8, 1849, and when so recorded by the said secretary, the said affidavit shall be *prima facie* evidence of its contents.

List of lands sold  
for tax.

§ 24. The collectors of said company shall, within ten days next after any tax sale by him made, or as soon thereafter as practicable, 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, and be evidence in all courts and places.

Record evidence.

§ 25. 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 said company affixed, shall be taken and received as evidence in all courts and places in this state.

§ 26. 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."

§ 27. The clerks of the county court and the printers publishing the delinquent list 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 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 state and county revenue. The secretary and treasurer of said company shall be allowed such reasonable compensation as the said company shall order. The corporators hereby and hereafter 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.

§ 28. 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.

§ 29. That it shall be the duty of the state treasurer and the county treasurers of Monroe and St. Clair counties, immediately on receiving the county and state revenue of each year, to pay to 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.

§ 30. If 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, when due and the interest thereon, from time to time, on application by any creditor of said company or holder of any bonds thereof, the circuit courts of Monroe and St. Clair counties 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 corporators 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 one of said counties.

Commissioners  
to levy and col-  
lect tax.

§ 31. Assessments heretofore made by the said levee commissioners are hereby legalized, and the taxes under such levies uncollected may be collected under the provisions of this act, and lands sold, if necessary, under the provisions of this act for that purpose. Before any other assessments are made, upon the secretary of said company furnishing said collector's list of lands on which taxes are due and unpaid, said collectors shall proceed in all respects as required by the provisions of this act to collect the arrears of taxes now due and unpaid by distress and by sale of lands in default, under order of the proper county court, and their deeds to purchasers shall have the same effect as under assessments hereafter made, and redemptions from sales for taxes now in arrears may be had as under sales upon future assessments.

Assessments le-  
galized.

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

APPROVED February 16, 1865.

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AN ACT to levy and make certain improvements on the Wabash river and its tributaries. In force Feb. 16, 1865.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That Jacob Wolfe, William J. Crews and John Jackson, of the county of Lawrence, and their successors, be appointed a board of directors, to locate and superintend the construction of a levee, from a point on the Wabash river, at or near the town of Russellville, to such point below the Ohio and Mississippi railway as, in the opinion of said board, may be advisable; also, between such points on Hat creek, or elsewhere, as

Directors.

may be advisable and within the townships hereinafter mentioned; who shall have full power and authority to construct said levees, to adopt such measures as they may deem necessary for the construction, repairs and preservation of the same, and to do all and everything that may be necessary to make said work answer the purpose of their construction; and are also, for the purposes aforesaid, hereby made capable in law to contract and be contracted with, sue and be sued, plead and be impleaded, by the name and style of "The Board of Directors for leveeing the Wabash river and its tributaries, on Allison Prairie."

Term.

§ 2. That all owners of real estate within the territory embraced within the following limits, to-wit: Townships three (3), four (4) and five (5) north, range ten (10) west, and townships three (3), four (4) and five (5) north, range eleven west, shall, on the second Monday in April, eighteen hundred and sixty-six, and every two years thereafter, elect three resident freeholders of said territory to succeed the board herein appointed, who shall hold their offices for two years, and until their successors are duly elected.

Notice of election.

§ 3. The board of directors shall give three weeks' notice of said election, by posting up written notices in three of the most public places in said territory; shall fix and regulate the time and manner of holding, conducting and directing said election; shall appoint judges and clerks, prescribe their duties, and make all other needful regulations appertaining to the same.

Chairman and clerk.

§ 4. Said board shall, at their first meeting, organize by appointing one of their body chairman; and shall also appoint a clerk, whose duty it shall be to keep and preserve all the books and papers belonging to the board; and shall also adopt such rules and by-laws, for their own government, as they may deem right and proper.

Records.

§ 5. The board shall keep a book, in which all its orders, resolutions and contracts shall be recorded and signed by those members of the board present at their adoption; and a majority of said board shall have all the power to act, in all matters coming within the scope of the power herein conferred on said board, as fully and as completely as if the whole of said board were present and concurred therein.

Assessments.

§ 6. The board, as soon as practicable, and as often thereafter as they may deem proper, shall appoint two disinterested freeholders, whose duty it shall be to carefully examine the lands in said territory; to rate and assess the benefit said improvements are or may be to each tract or farm, and return the same under their hands to said board of directors, with a certificate, indorsed and sworn to by them, that it is a true and faithful assessment, to the best of their judgment; and said assessments shall be liens upon the different tracts of land upon which they are assessed until they are fully paid.

§ 7. The board of directors may, by a resolution of their board, order the whole of such assessment to be paid at one time or call for the payment thereof in installments, as in their opinion may be deemed most advisable; and shall give notice of the time that payment shall be made, and the per cent. or portion of assessment to be paid, by written notice in three of the most public places in the territory above designated, for at least ten days before the duplicate hereinafter mentioned shall be delivered to the treasurer for collection: *Provided*, that the amount which the board shall order to be collected shall not be more than ten per cent. in excess over the amount which they shall have contracted to pay within one year for any work or expenditures upon said levees. And if any person, so assessed as aforesaid, shall refuse to pay the amount of call upon his assessment, when demanded by the treasurer, and the same cannot be collected, the whole assessment of such person shall be deemed and taken to be due, and shall be returned as delinquent; and whenever a further call shall be made, or additional portion or per cent. of such assessment shall be demanded, in the manner aforesaid, like notice shall be given, and a new duplicate issued and like proceedings had as herein prescribed.

Assessments, to whom paid.

§ 8. The board shall appoint a treasurer, whose duty it shall be to receive and collect all assessments and pay out moneys to the order of the board; shall fix his compensation, and require such bonds of him as they may think advisable.

Treasurer.

§ 9. The board shall make out a duplicate of said assessments, under their official signatures, with the amount to be paid by each person opposite his name, and hand the same over to the treasurer; which duplicate shall be his receipt for collecting the same, and shall have the force and effect of a writ of *fieri facias* in the hands of said collector; and all persons who shall not pay, or of whom said collector has not collected the amount of their assessments, within two months from and after the delivery of said duplicate, shall be returned to him by said board as delinquent.

Duplicate assessments.

§ 10. The board of directors, to enforce the collection of said assessments, may file a certified copy of such delinquent list in the circuit court of the proper county, and cause summons, in the nature of a *scire facias*, to be issued against each delinquent who may reside in said county, which summons shall be served by the sheriff of the proper county, and if served ten days before the first day of court, judgment may be rendered by said court against each of said delinquents for the sale of their lands, for the payment of such assessments and costs, which sales and judgments shall be governed in all respects by the laws which may be in force regulating the foreclosure of mortgages, and the sheriff sales consequent thereon.

Delinquent taxes

Non-resident  
owners.

§ 11. If any of said delinquents be non-residents, notice of the pendency of such application shall be published in one of the nearest newspapers, six successive weeks, sixty days before the first day of court at which judgment may be rendered.

Right of way.

§ 12. The board of directors shall have the right of way, and cause said levee to be made, as near as practicable, to the Wabash river; shall receive donations for building said levee, and shall cause said work to be done in a permanent and lasting manner.

Claims.

§ 13. The board of directors are hereby authorized, and it is made their duty, to audit and adjust any and all claims of any and all persons who may have done any work, furnished materials, or expended any money in the erection of any levee within the territory aforesaid since the first of August, A. D. 1863, and to pay whatever amount may be due such claimants, out of any moneys in the treasury not otherwise specially appropriated.

Vacancy.

§ 14. If a vacancy shall at any time occur in said board of directors aforesaid, by the death, removal or resignation of one or more of the members thereof, the clerk of the board shall give notice of the time and place of holding a special election to fill such vacancy, to be fixed and designated by him in said notice, and, in the absence of said board, or a majority thereof, may appoint the judges and clerks of said election, and superintend the same, and declare the person or persons elected, and his action in the premises shall be regularly entered on the minutes of the board.

§ 15. This act to take effect from and after its passage, shall be a public act, and be liberally construed, for the purposes therein named, and all acts coming in purview of this act are hereby repealed.

APPROVED February 16, 1865.

In force Feb. 16,  
1865.

AN ACT to incorporate the Art Gallery, of Chicago.

Corporators.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly.* That George P. A. Healy, J. Young Scammon, Edwin H. Sheldon, John F. Stafford, Thomas B. Bryan, George F. Rumsey, David J. Ely, William Blair, William Bross, Charles H. Ray, Thomas Hoyne, Walter L. Newberry, James Duggan, John B. Turner, Charles T. Scammon, David A. Gage, John H. Dunham, Harvey M. Thompson, Uriah H. Crosby, Elias T. Watkins, and such persons as are or may hereafter be associated with them and their successors, are hereby constituted

Name and style.

a body corporate, by the name of "The Art Gallery of Chi-



cago," for the purpose of establishing and maintaining an art gallery and school of design in Chicago, Illinois, with power to sue and be sued, to take and hold real estate and other property, by purchase, gift, grant, devise, or otherwise, and to lease, convey and dispose of the same at pleasure. Powers.

§ 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, as herein-after mentioned, who shall determine the general manner of conducting said gallery. Trustees.

§ 3. The nine persons first 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 second Monday in January, A. D. 1866, and that of the second class in one year thereafter, and that of the third class in two years thereafter. First board.  
Three classes  
trustees.

§ 4. On the second Monday in January, 1866, and on the same day in 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 at such election. Such election shall be by ballot, and by a majority of the stockholders present or represented. Annual election.

§ 5. Said corporation may have a capital stock of such an amount as the trustees shall deem requisite for the purposes of the corporation, divided into shares of one hundred dollars each. Said trustees may increase the capital stock from time to time, to such amounts as may be deemed necessary to carry out the purposes of the corporation. Capital stock.

§ 6. Any person holding a certificate for 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, and the interest thereon, shall have been paid. Membership.

§ 7. The trustees shall choose their own officers, and make their own laws, and may fill any vacancy in their body, by appointment of qualified persons, until the next election; and said trustees shall hold office until their respective successors shall be elected, anything in this act to the contrary notwithstanding. Officers.

§ 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. Annual report.

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

APPROVED February 16, 1865.

res. Feb. 16,  
1865.

# AN ACT to incorporate the Chicago Academy of Sciences.

Preamble.

WHEREAS, an association has heretofore been formed in the city of Chicago, called "The Chicago Academy of Sciences," the object of which is the increase and diffusion of scientific knowledge by a museum, a library, by the reading and publication of original papers, and by such other suitable methods as shall, from time to time, be adopted; now, therefore, in order to encourage and promote the above declared objects of the said association,

Corporators.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly.* That J. Young Scammon, George C. Walker, Horatio G. Loomis, Daniel Thompson, Edmund Aiken, Ezra B. McCagg, Eliphalet W. Blatchford, William E. Deggett, Robert Kennicott, Edmund Andrews, Hosmer A. Johnson, Oliver F. Fuller, James W. Free, William Bross, James V. Z. Blancy, Benjamin F. Culver, and their associates and successors forever, are hereby declared and created a body corporate, by the name and style of "The Chicago Academy of Sciences," 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, within all courts of competent jurisdiction; may receive, acquire and hold real and personal property and effects, and may sell and dispose of the same at pleasure; may have a common seal, and alter the same at their pleasure; may make such constitution, regulations and by-laws as may be requisite for its government, and for carrying out the objects of the association, and not contrary to the laws of the land, and may alter the same at their pleasure.

Name and style.

Powers.

By-laws.

§ 2. The constitution and by-laws of said association, now in operation, shall govern the corporation hereby created until regularly altered or repealed by the association; and the present officers of said association shall be officers of the corporation hereby created, until their respective terms of office shall regularly expire or be vacated.

Property.

§ 3. All the money, property and effects of said, "The Chicago Academy of Sciences," shall be held and managed by and the title thereto, as also the title to all the real estate owned or to be owned by said Academy of Sciences, shall be vested in the board of trustees from time to time being, as provided in the constitution of said Academy of Sciences; and all contracts and conveyances of said Academy of Sciences to be binding shall be executed by the president and secretary of the board of trustees.

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

APPROVED February 16, 1865.

AN ACT to incorporate the Aurora Library Association.

In force Feb. 16,  
1865.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That E. R. Allen, L. R. Wagner, S. A. Emerson, O. L. Hoyt, Charles Wheaton, A. W. Stolp, E. N. Bradley, J. W. Phillips, A. Jenks, M. McFarland, Samuel Parker, Eugene Canfield, W. J. Terry, W. H. Miller, M. Felsenheld, A. G. McDole, O. B. Knickerbocker, L. W. Blakesly, R. W. Gates, John Hanna, A. K. Perry, S. B. Sherer, N. S. Otis and D. W. Stockwell, their associates and successors, are hereby constituted a body politic and corporate, under the name of "The Aurora Library Association," and by that name they and their successors shall and may have succession, shall be capable of suing and being sued, contracting and being contracted with; may have and use a common seal and the same may alter or change at pleasure, and may take, receive, purchase, hold, encumber and convey such real and personal property as may be necessary for the purposes of said corporation, and may establish such constitution and by-laws for the government of the same, not inconsistent with the constitution of this state or of the United States, as said corporation may deem expedient.

Name and style.

Powers.

§ 2. The object of said corporation shall be to found and establish a library and reading room, to provide for and maintain literary and scientific lectures, and to disseminate knowledge.

Object.

§ 3. The first meeting of said corporation for the purpose of adopting a constitution and organizing under this charter, may be called by any three of the corporators herein named, by giving one week's notice in the Aurora Beacon newspaper, of the time and place of such meeting.

First meeting.

§ 4. This act shall take effect from and after its passage.  
APPROVED February 16, 1865.

AN ACT to incorporate the Ecclitian Literary Society of Monmouth.

In force Feb. 16,  
1865.

WHEREAS an association has heretofore been formed in the city of Monmouth, called the Ecclitian Literary Society of Monmouth College, the object of which is the establishment of a society and library for literary and scientific purposes; now, therefore, in order to encourage and promote the above declared objects of the said society,

Preamble.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That J. M. Baugh, A. Beveridge, Josiah Moore, W. F. Woods, T. Turner, J. E. Moffatt, J. C. Gordon, G. H. Patchen, S.

Corporators.

Paxton, W. H. Gibson, A. J. Templeton, J. F. Moore, and their associates and successors forever, are hereby declared and created a body corporate, by the name and style of the "Eccritian Literary Society of Monmouth, Illinois," 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, in all courts of competent [jurisdiction]; may receive, acquire and hold real and personal property and effects suitable to the carrying out of the objects of this society; may have a common seal, and alter the same at their pleasure; may make such constitution, regulations and by-laws as may be requisite for its government and for carrying out the objects of the society, and not contrary to the laws of the land or the rules and regulations of said Monmouth college, and may alter the same at their pleasure.

Officers. § 2. The constitution and by-laws now in force shall govern the corporation hereby created until regularly altered or repealed by the society, and the present officers of the said society shall be officers of the corporation hereby created until their respective terms of office shall regularly expire or be vacated.

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

APPROVED Feb. 16, 1865.

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In force Feb. 16, 1865. AN ACT to incorporate the Springfield German Reading Association at Springfield, Sangamon county, State of Illinois.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly.* That Simon Hirschback, F. Gebbers, Adolph Schwartz, John Breusing, Dr. H. Wohlgenuth, Robert Rudolph, William Marx, Bernhard Meissner, Julius Hammerslough, Adolphus Meyers, William Helmle, and such other persons as shall from time to time become members of said association, are hereby incorporated, and shall be a body corporate and politic by the name and style of "Springfield German Reading Association," located at Springfield, Sangamon county, state of Illinois, and under that name shall have perpetual succession, and shall be capable of suing and being sued, pleading and being impleaded in all courts both of law and equity in this state, and may have and use a common seal, and the same to alter and amend at pleasure; and by their corporate name and style shall be capable in law of contracting and being contracted with, and of acquiring by purchase or otherwise, and of holding and conveying real and personal



estate, either in fee or for a term of years: *Provided*, that they shall not at any one time, have or hold property exceeding in value ten thousand dollars.

§ 2. Said corporation shall at all times have full power and authority to ordain, make and establish such by-laws, rules and regulations, as they shall judge proper for the better government and regulation of the officers and members of said association, and for ascertaining an equal annual rate of contributions, to be paid by the members thereof in aid of the funds of said association, and for prescribing the time and place for the meetings of said association, and the manner by which the objects of the same, to wit: the promotion of literature, science, and music, may best be effected, such laws not to be inconsistent with the laws of this state and of the United States.

§ 3. Said association may select one of its members to act as steward or landlord, furnishing victuals and refreshments on the premises and in the buildings of the association only on the days and hours appointed by the executive committee thereof.

§ 4. That for the better carrying on the business and affairs of said corporation, there shall be annually elected, on the first Monday of March of each year, an executive committee, consisting of one president, one vice president, one treasurer, secretary and one librarian, who shall hold their offices for one year and until their successors are elected and qualified.

§ 5. That in all suits of law or equity brought against this association, or in any suit brought by this association against any of its members or against any other person or persons, any member of this association shall be admitted as a competent witness.

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

APPROVED February 16, 1865.

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AN ACT to incorporate the Odd Fellows' Library Association of Bloomington. In force April 17, 1865.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That Robert Thompson, H. R. Price, Henry S. Herr, Peter Rockwell, Henry Conklin, and Ezra M. Prince, and their associates and successors, are hereby created a body politic and corporate, by the name and style of "The Odd Fellows' Library Association of Bloomington, Illinois," and by that name and style shall have perpetual succession, with power to sue and be sued, plead and be impleaded, defend and be defended, in all courts of law and equity.

- Powers.** § 2. Said corporation shall have power to acquire, hold and convey property, real, personal and mixed, in all lawful ways; to have and use a common seal, and alter the same at pleasure; to adopt, alter and amend such rules, regulations and by-laws, as may be necessary for the government of said association.
- Loan funds.** § 3. Said corporation may loan any or all parts of its revenue.
- Officers and agents.** § 4. The said corporation shall have power to elect such officers and appoint such agents as may be deemed necessary for the well being of the same, and for the furtherance of the objects of the association.
- Object.** § 5. The objects of said association are the cultivation of literature, science and useful knowledge, and the collection and maintenance of a library in said city of Bloomington.
- APPROVED February 15, 1865.

In force Feb. 15, 1865. AN ACT to incorporate the Peoria Mercantile Library Association.

- Name and style.** SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That, Tobias S. Bradley, John L. Griswold, Lewis Howell, DeWitt C. Farrell, Mathew Griswold, Lorin Grant Pratt, Horace G. Anderson, Asahel A. Stevens, John Boyd Smith, and Erastus S. Wilcox, their associates and successors forever, are hereby declared and created a body corporate by the name and style of "The Peoria Mercantile 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 in all courts of competent jurisdiction; may by purchase, gift or devise, receive, acquire and hold or dispose of real and personal property and effects for the purposes of the association; may have a common seal and alter the same at their pleasure; may make such constitution, regulations and by-laws as may be requisite for its government and for carrying out the objects of the association, and not contrary to the laws of the land, and may alter the same at their pleasure.*
- Object.** § 2. The object of said association shall be to establish and maintain a public library, merchants' exchange and reading room.
- § 3. This act shall be a public act, and shall be in force from and after its passage.
- APPROVED February 15, 1865.

AN ACT to incorporate the Young Men's Association of Princeton, Bureau In force Feb. 16,  
County, Illinois. 1865.

WHEREAS an association has heretofore been formed in the city of Princeton, called "The Young Men's Association of Princeton, Illinois," 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,

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That Stephen G. Paddock, John H. Bryant, Cairo D. Trimble, Charles P. Allen, Zachery K. Waldron, Frederick W. Waller, Charles Baldwin, Henry F. Royce, A. Scott Chapin, and their associates and successors forever, are hereby declared a body corporate, by the name and style of "The Young Men's Association of Princeton, Illinois," 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, within all courts of competent jurisdiction; may receive, acquire and hold real and personal property and effects, suitable to the carrying out the objects of the association; may have a common seal, and alter the same at their pleasure; may make such constitution, regulations and by-laws as may be requisite for its government and for carrying out the objects of the association, and not contrary to the laws of the land, and may alter the same at their pleasure.

§ 2. The constitution and by-laws of said association, now in operation, shall govern the corporation hereby created until regularly altered or repealed by the association, and the present officers of said association shall be the officers of the corporation hereby created, until their respective terms of office shall regularly expire or be vacated.

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

APPROVED February 16, 1865.

In force, Feb. 16,  
1865.

AN ACT to incorporate the Chicago Loan and Deposit Company.

Name and style.	SECTION 1. <i>Be it enacted by the People of the State of Illinois, represented in the General Assembly,</i> That James Launder, William Lill, Samuel Ashton, James Kehoe and Bernhardt Blaesy, their associates and successors, be and hereby are incorporated, under the name of the "Chicago Loan and Deposit Company," with the powers and privileges as hereinafter provided.
Capital stock.	§ 2. The capital stock of said company shall be raised by subscription, and shall not exceed one hundred thousand dollars, in shares of one hundred dollars each. It shall have the power of borrowing money on its own notes, or otherwise, not exceeding the amount of its capital stock.
When to organize.	§ 3. When twenty-five thousand dollars shall have been duly subscribed, and five thousand dollars actually paid in, the stockholders may organize and proceed to business under this charter.
Funds loaned.	§ 4. When the company has disposable funds it shall loan on all goods and chattels and property offered, embraced within its rules and regulations, in the order in which they are offered, with this exception, that the company may always discriminate in favor of small loans to the indigent. It shall loan to four-fifths of the appraised value on gold and silver plate and ware, and to two-thirds of such value on all other goods, chattels and property, as afore-said.
Interest.	§ 5. The charge on all loans shall be uniform, and not exceed ten per centum per annum, as compensation for interest upon such loan.
Directors.	§ 6. The government of the company shall be vested in three directors, who shall be chosen annually by the stockholders, as may be required by the rules, regulations and by-laws of said company; and such board shall elect one of their number president, and such other officers as may be deemed necessary.
Loans.	§ 7. All loans shall be for a fixed period of time, not exceeding one year, and the borrower shall have the right to redeem his property pledged at any time within the specified period, on payment of the loan and compensation agreed upon, together with all charges for storage, insurance or otherwise.
Storage, etc.	§ 8. If the property pledged be not redeemed within the specified time, the same shall be sold at public auction, and the net surplus, (after paying amount of loan, compensation, charges for storage, insurance, etc.) shall be held ninety days for the owner, and if not then called for the same shall go into a fund for the year, called the "profit and loss fund."
Losses.	§ 9. All losses on loans, from failure of title or other cause, shall be satisfied from the said profit and loss fund.



§ 10. The company shall give to each borrower a card, Card.  
subscribed with the name of the company, a description of  
the article or articles pledged, the name of the borrower,  
the amount of the loan, the rate of compensation, the charge  
for storage, commission and insurance, the date when made,  
and the page of the book where recorded.

§ 11. The company shall insure all property pledged to Insurance.  
two-thirds of the appraised value thereof, and in the event  
of loss or damage by fire shall be responsible to that extent  
to the owner or owners of said property.

§ 12. The whole sum earned each year shall be disposed Dividends.  
of at the end of the year by being equitably divided among  
the stockholders.

§ 13. The stockholders of said company shall and may By-laws.  
from time to time establish such by-laws, rules and regula-  
tions for conducting the business of said company as they  
may deem necessary and proper.

§ 14. The stock of said company shall be only transfera- Stock.  
ble at its offices and on its books.

§ 15. Nothing herein contained shall be so construed as License.  
to interfere with the right of the city of Chicago to impose  
a license upon said company.

§ 16. This act is to be construed liberally, so as to pro-  
mote the carrying out of the objects herein intended, and  
shall take effect and be in force from and after its passage.

APPROVED February 16, 1865.

AN ACT to incorporate the Kane County Savings, Loan and Trust Company. In force Feb. 16,  
1865.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That B. F. Lawrence, M. C. Town, A. B. Fish, S. S. Maun, W. L. Pease, L. Black, J. Tefft, 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 "Kane County Savings, Loan and Trust Company," and shall have succession, a common seal, which they may alter at pleasure, with power to sue and be sued, 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, loan and trust company.* Name and style.

§ 2. The capital stock of said company shall be fifty Capital stock.  
thousand dollars, with liberty to increase the same to two  
hundred thousand dollars, to be subscribed and paid for in  
the manner hereinafter provided, and shall be divided into  
shares of twenty-five 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 prescribe.

Real estate.

§ 3. 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 debt any real estate, and to hold and convey the same.

Trustees.

§ 4. The affairs of this company shall be managed by a board of trustees, of at least seven, who shall be stockholders in the company; such election shall take place by the stockholders when two thousand dollars shall have been subscribed and five per cent. paid thereon; and three of the corporators herein named shall be commissioners to open books for subscription, which shall be done within one year 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, vice president and cashier from their body, annually, make and execute such by-laws as may be convenient and necessary for the proper prosecution of its business, 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 a majority of the trustees, and all the acts of the duly appointed officers and agents of this company, done and performed under its authority, shall be binding on the company.

Misnomer.

§ 5. A misnomer of said corporation in any deed, gift, grant or other instrument, contract or conveyance, shall not vitiate the same if the corporation shall be sufficiently described therein to declare the intentions of the parties.

Elections.

§ 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 of each stockholder voting shall be indorsed on the ballot, and a plurality of votes shall elect; every shareholder 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 anywise the right of stockholders, depositors or others interested.

Payments on stock.

§ 7. Within sixty days after the election of the first board of trustees, as provided for in section six of this act, the board of trustees shall call in an additional sum of ten per cent. on each share of said stock, to be paid at such time

and place as the trustees shall direct, on due notice given 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 per cent. on each share of stock subscribed, as provided in the foregoing section, the said company shall be considered fully organized, and after the further payment of ten per cent. on each share of the capital stock subscribed, the company may commence its business, full enjoyment of the privileges of this charter, at such place in the city of Elgin, in the county of Kane, as the said board of trustees shall direct: *Provided*, that in case the whole amount of said fifty thousand dollars capital stock shall not be subscribed and paid in within one year after the organization of said company, as above provided, the powers and privileges herein granted shall cease and this charter be of no effect.

§ 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 think proper, and in the event of the non-payment of the balance due from any stockholder on his stock, within sixty days after due notice, 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 in the name of the said non-paying stockholder, who shall therefore 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 thereafter made on said shares of stock.

Subscription to stock.

§ 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 profits of said company shall exceed five per cent. on the amount of capital actually paid in: *Provided*, that 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 per cent., per share, has been paid in to the said company.

Dividends.

§ 10. At any time after the full payment of the original capital of fifty 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 fifty 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 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.

Increase of capital.

§ 11. When any deposit is made by any person being a minor, or by a female, on hereafter becoming a married

Deposits.

woman, in her own name, the said corporation may pay to each depositor such sums as may be due to him or her, and the receipt or acquittance of such minor or married woman shall be a legal discharge to said corporation therefor.

Officers.

§ 12. All 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.

Fifty years term.

§ 13. That this shall exist for the full term of fifty years next succeeding the first day of April, A. D. 1865, 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.

Stockholders,  
how liable.

§ 14. The stockholders in this corporation shall be individually liable to the creditors thereof upon all contracts, obligations or indebtedness made, incurred or accruing during the time they shall have been stockholders, and for six months thereafter, to an amount equal to the capital stock each shall have owned or held thereof.

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

APPROVED February 16, 1865.

In force Feb. 16,  
1865.

AN ACT to incorporate the Princeton Loan and Trust Company.

Name and style.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That John Warfield, James Hensel, John Shugart, jr., Joshua Stevens, Abner J. Stanchfield, Samuel Edwards, William B. Johnson, William Kelsey Reed, George W. Crossley, Cephas Clapp, George M. Radcliffe, Henry C. Reed, John Wise, Levi Kelsey and Caleb Clapp, 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 Princeton Loan and Trust Company," and shall have succession, a common seal, with power to plead and be impleaded, to appoint all necessary 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: Provided, that if the corporation created by this act shall not be fully organized, as hereinafter provided, within one year from the passage hereof, then this act shall be null and void.*

Powers.

Capital stock.

§ 2. The capital stock of said company shall be fifty 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 fifty 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.

§ 3. The said corporation shall have the power to borrow money, and to pay interest thereon, and to loan the said money at any rate of interest not exceeding that now allowed by law, to individuals, and 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 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 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 and 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, 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: *And, provided, further*, that nothing herein contained shall be construed to authorize said company to receive money upon deposit; but it is expressly forbidden so to do.

Borrow money.

May receive interest.

§ 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 and in payment of loans and debts due or to become due to the said company or others; to purchase real estate at any sale made in virtue or on account of any loan, debt, mortgage or trust, made to or by the said company, and to receive and take, in satisfaction of any such loan or debt any real estate, and to hold and convey the same; and to acquire, hold, possess, use and enjoy, and the same to sell, convey, lease and dispose of all such real estate and personal property as is or as may be necessary for the use of this corporation, or as may be deemed by the directors proper and necessary to carry on the business and accomplish the object of the company, or for the promotion of its interests.

Hold real estate.

§ 5. The affairs of this company shall be managed by a board of directors of at least five in number, who shall be stockholders in the company. The election of such directors shall be had by the stockholders, when fifty thousand

Directors.

dollars shall have been subscribed to the capital of said corporation and five per cent. paid thereon. Any three of the Books opened. 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 Officers. directors when elected. The directors shall elect a president 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 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 company, done and performed under the authority of the by-laws, shall be binding on the company.

Proxy votes. § 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 for directors shall be by ballot, and the name and number of shares owned by such stockholders 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 directors shall not impair, in anywise, the rights of stockholders, depositors or others interested.

Calls on stock. § 7. Within sixty days after the election of the first board of directors, as provided for in section five of this act, the board of directors shall call in an additional sum of ten per cent. 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 said company shall be considered fully organized, and, after the payment of ten dollars per share on the whole number of one thousand shares of capital stock of this company, (making up the whole amount of the ten thousand dollars actually paid in,) the company may commence and carry on its business in the full enjoyment of the privileges of this charter, at such place in Princeton, in Bureau county, as the said board of directors shall direct.

Stock when sold. § 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 company, at such times as they may deem proper, and in the event of the non-payment of the balance due by any stockholder, on his stock, within thirty days

after due notice, it shall be lawful for the directors, at their option, to enforce such payment, or to sell, by public auction, to the best advantage, such stock, and upon such sale the rights of the said stockholders therein shall cease and determine, and the purchaser or purchasers of such 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.

§ 9. The board of directors 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 capital actually paid in; but in no case shall the amount of any dividend be paid over to any stockholder, on his, her or their stock, until the amount of twenty-five dollars per share has been paid in to the said company. Dividends.

§ 10. At any time after the full payment of the original capital of fifty thousand dollars in to 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 fifty 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 directors may limit, of which due notice is to be given. Increase of capital.

§ 11. The stockholders in this corporation shall be holden to the creditors thereof for the amount of capital stock each shall hold in the same. Liability.

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

APPROVED February 16, 1865.

AN ACT to incorporate the Chicago Cotton Manufacturing Company.

In force Feb. 16,  
1865.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That Samuel M. Nickerson, Charles R. Thompson, Anthony C. Hesing, Nathaniel K. Fairbanks, Augustus Jacobson, William Lill, Jacob Rehm, and their associates, be, and they are hereby created a body politic and corporate, with perpetual succession, by the name and style of "The Chicago Cotton Man- Name and style.

Powers.

ufacturing 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 and places 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 the 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, and they may do and perform all such acts and things as are or may become necessary for the furtherance and advancement of the purposes of said corporation as fully and completely as a natural person might or could do: *Provided*, that the amount of real estate held by said corporation shall not, at any time, exceed in value the sum of two hundred thousand dollars.

First board.

§ 2. The corporators named in the first section of this act, shall constitute the first board of directors, and shall hold their offices until their successors shall be duly elected and qualified, in pursuance of by-laws, to be made by the said corporation after its organization, and the object and purpose of said incorporation shall be the manufacture and sale of all kinds of cotton goods and textile fabrics.

Capital stock.

§ 3. The capital stock of said company shall be five hundred thousand dollars, and may be increased, from time to time, at the pleasure of said corporation: it may be divided into such shares subscribed for, paid and transferred in such proportions and manner as shall be prescribed by the by-laws and regulations of said company.

Directors

§ 4. All the corporate power 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 board of directors shall consist of not less than five, and not more than seven stockholders, who shall be chosen by the stockholders at such time and in such manner as the said corporation shall, by its by-laws, prescribe, and 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 adopt such by-laws, rules and regulations for the government of said corporation, and the management of its affairs and business, as they may think proper not inconsistent with the laws of this state or of the United States.

Borrow money.

§ 5. The said corporation is hereby authorized to borrow money, and to mortgage or lease any of its property or franchises.

§ 6. This act shall be deemed a public act, and noticed as such by all courts without pleading, and it shall take effect from and after its passage.

APPROVED February 16, 1865.



AN ACT to incorporate the Chicago Cotton Manufacturing Company.

In force Feb. 15,  
1865.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That Henry Fuller, Edward R. Clark, Henry H. Blake, George W. Fuller and Edwin W. Jewell, and their successors, be and they are hereby created and constituted a body corporate and politic under the name of "The Chicago Cotton Manufacturing Company," and by such name shall have perpetual succession, with power to sue and be sued, and all the powers and authority incident to corporations for the purposes hereinafter mentioned.

Corporators.

Name and style.

§ 2. The capital stock of said corporation shall be five hundred thousand dollars, and may be increased from time to time, at the pleasure of said corporation. It shall be divided into shares of one hundred dollars each and may be issued and transferred in such manner and upon such conditions as the board of directors may direct.

Capital stock.

§ 3. The said corporation, for the purpose of carrying on its operations and promoting the establishing of cotton or woollen manufactories, is hereby authorized and empowered to purchase lands, erect suitable buildings thereon, procure and set up the necessary machinery; to take, hold, mortgage and convey real estate; to make and execute contracts, and generally to do any and all acts necessary for the successful carrying on of a general manufacturing business.

Hold lands.

§ 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 Henry Fuller, Edward R. Clark, Henry H. Blake, George W. Fuller and Edwin W. Jewell, 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 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 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.

Directors.

Annual election.

§ 5. This act shall be deemed a public act and noticed by all courts as such, and shall take effect from and after its passage.

APPROVED February 15, 1865.



In force Feb. 16, 1865. AN ACT to incorporate the Chicago Ditching and Spading Machine Company.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That Judd Stevens, Michael Beadle, David E. Beadle and George H. Beardsley, and their associates, be and the same are hereby created a body politic and corporate, with full power to sue and be sued, contract and be contracted with, under the name and style of "The Chicago Ditching and Spading Machine Company;" and the said corporation shall have a common seal, and perpetual succession, and shall exercise all of the rights, privileges and franchises conferred by this act.

Powers. § 2. That said company shall have the right to manufacture and sell the machine known as the "Ditcher and Spader," for which a patent has been issued under the seal of the patent office of the United States, to Judd Stevens and John L. Beadle, and by them assigned to the corporators herein named, and shall also have the right and power to sell and dispose of any territorial right under said patent, and all contracts made with reference to said patent shall be valid and binding upon said company, their successors and assigns.

Capital stock. § 3. The capital stock of said company shall consist of three hundred thousand dollars, (\$300,000,) to be divided into shares of one hundred dollars each, which shall be issued, taken, subscribed and paid for by such persons and in such manner as the board of directors, hereinafter named, shall direct and appoint.

Directors. § 4. The corporate powers of said company shall be vested in and exercised by a board of directors, consisting of not less than three or more than five, and such officers and agents as they shall appoint. And the first board of directors shall consist of Judd Stevens, Michael Beadle and George H. Beardsley, who shall hold their office till the second day of January, A. D. 1866, and until their successors shall be elected and qualified. And the annual election of such directors shall be on the second day of January in each year, at which said election each share of stock of said company shall be entitled to one vote.

By-laws. § 5. The board of directors shall have authority to make all needful rules, regulations and by-laws as may be required to carry out the provisions of this act, and shall also have the right to declare dividends upon the profits earned by said company.

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

APPROVED February 16, 1865.

AN ACT to incorporate the Chicago Stone and Lime Company.

In force Feb. 15,  
1865.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That Edward R. Clark, Henry S. Brenan and Edwin S. Jagger, and their successors, be and they are hereby created and constituted a body corporate and politic under the name of "The Chicago Stone and Lime Company," for the term of fifty years, with power to sue and be sued, and all the powers for the purposes hereinafter mentioned: *Provided*, that if the corporation created by this act shall not organize within one year from the passage hereof, then this act shall be null and void.

§ 2. The capital stock of said corporation shall be two hundred thousand dollars, and may be increased from time to time at the pleasure of said corporation. It shall be divided into shares of one hundred dollars each and be issued and transferred in such manner and upon such conditions as the board of directors may direct.

§ 3. The said corporation, for the purpose of carrying on its operations in the business of quarrying, manufacturing by machinery or otherwise, and dealing in stone and lime, is hereby authorized and empowered to purchase lands, erect buildings and kilns thereon; to procure and set up the necessary machinery and fixtures; to hold, mortgage and convey real estate; to purchase and sell stone and lime in all their forms and conditions; to construct or purchase canal boats, steam boats, and other vessels, and use and sell the same, or employ, charter or hire such boats and vessels in its business; to make and execute contracts, and generally to do any and all acts necessary for the successful carrying on of its business.

§ 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 Edward R. Clark, Henry S. Brenan and Edwin S. Jagger, 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 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 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. This act shall be deemed a public act, and noticed by all courts as such, and shall take effect from and after its passage.

APPROVED February 15, 1865.

In force Feb. 16, 1865. AN ACT entitled "An act to incorporate the Chicago Tanning Company."

Name and style.	<p>SECTION 1. <i>Be it enacted by the People of the State of Illinois, represented in the General Assembly,</i> That Tolman Wheeler, Bacon Wheeler, Hiram Wheeler, Peter R. L. Hardenlergh, Oliver Williams, Lemuel Richards, Thomas Buchanan, jr., William W. Wheeler, William Robbins, Charles A. Heilig and Milford D. Buchanan, and their associates and successors, shall be and they are hereby constituted a body corporate and politic, by the name of "The Chicago Tanning Company," and by that name shall have perpetual succession, and may sue and be sued, may plead and be impleaded, and defend, and shall be ruled to answer by the name and style of the corporation in any court whatever.</p>
Capital stock.	<p>§ 2. The capital stock of said corporation shall be fifty thousand dollars, divided into shares of one hundred dollars each, and be deemed personal property, and may be increased, from time to time, in amount not exceeding five hundred thousand dollars.</p>
Directors.	<p>§ 3. The business and property of said corporation shall be managed or directed by a board of seven directors, chosen by ballot, annually, by the stockholders of said corporation, from their number, who shall hold their office until their successors are chosen.</p>
Officers.	<p>§ 4. The directors of said corporation shall, at their first meeting after their election, elect by ballot from their number a president and vice-president, and appoint a superintendent secretary and treasurer, and such other officers as they shall see fit, who shall hold their respective offices until their successors are chosen.</p>
Object.	<p>§ 5. The general business and objects of the corporation hereby created, shall be the tanning or manufacturing of leather, buying and selling hides, felts or skins of animals, and other merchandise usually bought and sold by tanners, curriers and leather dealers.</p>
Seal.	<p>§ 6. Said corporation may have a common seal, which its directors may change or renew at pleasure.</p>
Hold real estate.	<p>§ 7. It shall be lawful for said corporation to own real estate to the amount of one hundred thousand dollars, and all deeds, conveyances or grants, covenants and agreements, made by the president, secretary and treasurer, or other person, by the authority of the directors of said corporation, according to their direction and instruction shall be good and valid.</p>
Holders, how liable.	<p>§ 8. The stockholders of the corporation hereby created shall be individually liable for the indebtedness of said corporation, only for the amount of their unpaid subscriptions, respectively, to its capital stock.</p>
By-laws.	<p>§ 9. The directors of said corporation shall have power, from time to time, to make, constitute, ordain and establish</p>

such by-laws, rules and regulations as they shall judge proper for the election of their officers, for prescribing their respective functions, and the mode of discharging the same; for the regulation of the times of meeting of the officers and directors, and, generally, for transacting, managing and directing of the affairs of the corporation, providing such by-laws, rules and regulations, are not repugnant to this act, to the constitution and laws of this state or of the United States.

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

APPROVED February 16, 1865.

AN ACT to incorporate the East St. Louis Rail Mill.

In force Feb. 16,  
1865.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That Adolphus Meier, Gerard B. Allen, Oliver B. Filley, their associates and successors, be and are hereby constituted a body politic and corporate for the period of fifty years, under the name and style of "The East St. Louis Rail Mill;" and that the association formed by the three above named persons under the general act of incorporation, and under the same name in the town of East St. Louis, in St. Clair county, is hereby merged into this incorporated company, with all its property, real and personal; and the company incorporated under this act shall assume all the debts and liabilities of said association, and that each of the above named corporators shall be entitled to as many shares of stock in this corporation as he had under the prior articles of association. Said East St. Louis Rail Mill, by that name shall have succession, sue and be sued, and complain and defend, and may make and use a common seal, and alter the same at pleasure; may purchase, receive, hold, transfer and convey such real and personal estate, choses in action, and securities, negotiable or otherwise, as may be expedient in and for the management of its business, as herein defined; may appoint such officers, agents and servants, as said business shall require, and prescribe their duties and fix their compensation, and make by-laws, not inconsistent with the laws of this state, for the management of its property and the regulation of its affairs.

Body for fifty  
years.

Association  
merged.

Powers.

Officers.

§ 2. This corporation shall have the power of making iron rails and re-rolling rails, manufacture iron and other metals, and goods of same; mine for iron and other ores and stone-coal; to buy and sell the above named articles,

Powers.



and to do all business necessary for carrying out these operations.

**Capital stock.** § 3. The capital stock of this corporation shall be one hundred thousand dollars, divided into shares of one hundred dollars each; and it may be increased to any sum not exceeding five hundred thousand dollars, whenever the stockholders shall, by vote, so direct. The stock shall be deemed personal property, and shall be transferable on the books of the corporation, in such manner as its by-laws may prescribe.

**Books opened.** § 4. At such time and place as a majority of the corporators named in the first section of this act shall, in writing, appoint, books shall be opened for additional subscriptions to said capital stock, and may be kept open until the stock shall have been subscribed. Payment of said stock shall be made in such sums and at such times as the board of directors of the corporation may require; and said board shall have power to provide for the forfeiture to the corporation of the stock of those who fail to make such payment.

**Payments on stock.** **Directors.** § 5. The affairs of this corporation shall be managed by a board of not less than three directors, who shall be stockholders therein, and for the first year Adolphus Meier, Gerard B. Allen and Oliver B. Filley shall be directors of this company. The stockholders may, at any time, by vote, increase the number of directors to seven. Any vacancy happening in the board by death, resignation or otherwise, shall be filled, for the remainder of the term, by the board.

**Annual election.** § 6. On the first Monday in December in each year, between the hours of ten o'clock in the forenoon and three o'clock in the afternoon, at such place as the board may designate, an election shall be held, of directors, to serve for the ensuing year and until their successors shall be duly elected. A written or printed notice of such election shall be given to each stockholder, personally, or through the postoffice, at least ten days before the election. If, from any cause, an election be not had on the said day, it may be held on any day which may be appointed by the board, or by any three stockholders, of which like notice shall be given.

**Notices.** **Elections.** § 7. All elections shall be by ballot, and the name and number of shares of each stockholder shall be indorsed on his ballot. Every stockholder shall be entitled to one vote for each share of his stock, and he may vote in person or by proxy. Those persons receiving the highest number of votes shall be declared elected; and in the event of a tie between two persons, both of whom cannot be directors without making the number of the board greater than that authorized, the remaining members of the board shall, by resolution, decide which shall serve.

§ 8. The company may, at its option, keep its office in St. Louis.



§ 9. No stockholder shall be held liable for the debts of the company beyond the amount of his stock.

This act shall take effect upon its passage.

APPROVED February 16, 1865.

AN ACT to incorporate the Fulton Foundry Manufacturing Company. In force Feb. 15, 1865.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That James McCoy, John P. Rice, Henry C. Fellows, J. G. Gates, C. B. Meseeread, L. Smith, and all such persons as shall become subscribers to the hereinafter named stock, shall be, and they and their associates are hereby declared, a body politic and corporate, by the name and style of "The Fulton Foundry Manufacturing Company," and by that name and style, they and their successors, forever hereafter, have perpetual succession, and shall be capable of suing and being sued, pleading and being impleaded, in all courts and places whatsoever; may have a corporate seal, alter and change the same at pleasure; shall have the power of contracting and being contracted with; of purchasing, holding and conveying real and personal estate, for purposes and use of said corporation, as hereinafter limited.

Corporators.

Name and style

Powers.

§ 2. The president and directors of said company, hereinafter provided for, shall have power and are hereby authorized, to carry on the manufacture of iron castings of every size and description, as said company may deem proper, and to carry on the foundry business in all its various branches, with power to manufacture plows, wagons, all other agricultural implements and linseed oil; to erect mills, machine works and other buildings, necessary to carry on said business, and enter into all contracts which may concern the use and management of the property, affairs and interest of said company.

Powers.

§ 3. The capital stock of said company shall be one hundred thousand dollars, divided into shares of one hundred dollars each; and the capital stock of said company may hereafter be increased to three hundred thousand dollars, to be invested in and expended in, the business of this company.

Capital stock.

§ 4. For the purpose of facilitating the said business of this company or corporation, they shall be authorized to negotiate a loan or loans of money, to two-thirds the amount of its capital stock, and pledge its property, real and personal, and all its rights, credits and franchises, for the payment thereof.

Loans.

Subscriptions.

§ 5. Any two of the persons named in section one of this act, are hereby authorized to obtain subscriptions to the capital stock of said company, at such times and places as they may deem proper; the principal office of business of said company shall be in the city of Fulton. The affairs of said corporation shall be under the direction of five of the members of this corporation, a majority of whom shall have full power to conduct all the necessary business required to further the objects of this corporation. The organization of this company shall take place at any time, when ten days' notice shall have been given in a newspaper published in Whiteside county, Illinois, stating the time and place at which such meeting will be held and its objects.

Directors.

§ 6. At said meeting, the stockholders shall proceed to elect five directors, (stockholders of said company,) who shall manage, direct and govern the affairs of said company, from the period of said election and until their successors are elected, who shall be vested with the same authority.

Elections.

§ 7. At said election, each stockholder shall be entitled to give one vote for each share of stock he may then hold in his own right. A majority of all votes given, shall be required to make an election. Each stockholder may vote in person or by proxy. Said directors, when elected, shall have power to elect one of their number president of said company, and shall also appoint a secretary and treasurer of said company, who shall be the officers of said company for the period of one year, and until their successors are elected and qualified; said president and directors shall appoint such other officers and agents, as to them shall seem necessary to carry out the objects of this corporation.

Rights, when  
forfeited.

§ 8. The stockholders, at the first election, shall have the right to vote upon stock upon which they have paid ten per cent.; but they shall not, at any future election, vote upon any but full paid stock; nor shall the officers of said company ever issue any fraudulent or fictitious stock, and if they do so, they shall forfeit all right in this corporation, be indicted and fined in the sum of ten thousand dollars, and imprisoned in the county jail not exceeding twelve months.

Record.

§ 9. The directors of said corporation, shall cause their secretary or clerk, to keep a regular record of their actions and proceedings as a corporate body; and regular accounts shall be kept of all moneys received and expended; and at the end of every year, the profits arising from the business of said company, shall be divided among the stockholders in proportion to the amount paid stock: *Provided*, that half yearly dividends may be made when the directors shall so determine.

By-laws.

§ 10. The directors of said corporation, shall have power from time to time, to make all such by-laws, rules and

regulations, not inconsistent with the constitution and laws of this state, or of the United States, which may be necessary for the collection of subscriptions to its stock, the transfer of the same, the transfer or conveyance of property, the payment or collection of dues to or from said company, or that in any way concern the interest, management or direction of the affairs of said company.

§ 11. This act shall be in force from and after its passage, and shall be construed a public act in all courts and places, and shall be liberally construed:

APPROVED February 15, 1865.

AN ACT to incorporate the Fox River Manufacturing Company.

In force Feb. 1<sup>st</sup>,  
1865.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That James H. Bowen, Edward S. Isham, George S. Bowen, Almeron H. Winslow, Charles C. Copeland, Chauncey T. Bowen, George R. Whitman, and their associates and successors, be and they are hereby created and declared a body politic and corporate, under the corporate name of "The Fox River Manufacturing Company," and by that name may sue and be sued, plead and be impleaded, contract and be contracted with, acquire, receive, possess, enjoy, alien, convey, and otherwise dispose of all such property and effects, real and personal, and do and perform all such other acts and things as shall or may be necessary or convenient for the transaction of the business of said company, as hereinafter indicated, and have perpetual succession for the term of thirty years from and after the first day of January, 1866.

Corporators.

Powers.

§ 2. *Be it further enacted*, That the only business in which the said company shall be authorized to engage shall be the manufacture of textile fabrics composed wholly or in part of wool or cotton.

Business.

§ 3. *Be it further enacted*, That the said company shall be authorized to acquire by purchase, such lands and water power at any point in the valley of the Fox river, in the state of Illinois, as may be deemed suitable for the operations of said company, not exceeding in all two hundred acres of land, and to erect on such lands all necessary buildings, and provide all needful machinery for the prosecution of the manufacturing business of said company.

Lands and water  
power.

§ 4. *Be it further enacted*, That the principal office of said company shall be at the city of Chicago, in the county of Cook, but it shall also have an office in the county in which its manufacturing operations shall be carried on.

Home office.

- Capital stock. § 5. *Be it further enacted*, That the capital stock of said company shall not be less than one hundred thousand dollars, nor more than five hundred thousand dollars, in shares of one hundred dollars each, which shall be transferable by the holders thereof in such manner and upon such conditions as the by-laws of said company may prescribe.
- Organization. § 6. *Be it further enacted*, That the said company shall not go into operation until at least one thousand shares of its capital stock shall have been subscribed for, and twenty-five dollars upon each share shall have been actually paid in, in cash, by the parties subscribing for such shares.
- Books for subscription. § 7. *Be it further enacted*, That any two or more of the corporators named in the first section of this act may proceed as commissioners to open books and receive subscriptions for the capital stock of said company, and every person subscribing for such stock shall pay to the said commissioners in cash, at the time of subscribing, five dollars upon each and every share of stock subscribed for.
- By-laws. § 8. *Be it further enacted*, That when the requisite amount of stock shall have been subscribed for, as provided for in sections six and seven, the stockholders may meet, at the city of Chicago, and proceed to organize the said company, by the adoption of by-laws and the election of directors, and every stockholder, at all meetings of this body, shall be entitled to one vote for each and every share of stock held by him, and shall have the right to vote either in person or by proxy.
- Annual meeting. § 9. *Be it further enacted*, That the annual meetings of the stockholders of said company, after their first meeting, shall be held at the city of Chicago on the first Monday of January, in each and every year; but if, from any cause, no meeting shall be held at the regular time for holding the same, a called meeting of the stockholders may be convened by any two or more of the directors, at any time within three months after the time for holding the regular meeting; and the business transacted at such called meeting shall be as valid and effectual, in all respects, as though it had been transacted at a regular meeting.
- Directors. § 10. *Be it further enacted*, That the property, business and affairs of said company shall be managed and controlled by a board of directors consisting of not less than five nor more than nine members, three of whom shall constitute a quorum for the transaction of business. The first board of directors shall be elected by the stockholders at their first meeting, and shall hold their offices until the next succeeding annual meeting of the stockholders, or until their successors are elected; and a new board of directors shall be elected by the stockholders at such annual meeting.
- Officers. § 11. *Be it further enacted*, That the board of directors, at their first meeting after their own election, shall choose one of their number to be president, and another to be vice



president of said company, and shall also appoint, from time to time, as they shall think fit, a secretary, treasurer, superintendent, and such other officers, if any, as shall be provided for by the by-laws of said company.

§ 12. *Be it further enacted*, That it shall be lawful for the stockholders of said company to enact such by-laws for the regulation of the affairs of said company as to them shall seem expedient, provided the same be not inconsistent with this act or with the constitution and laws of this state or of the United States. By-laws.

§ 13. *Be it further enacted*, That the board of directors of said company shall have power, when in their judgment it shall be expedient so to do, to make calls upon the stockholders for payments by installments, upon the shares of stock held by the several stockholders respectively, until all the shares of stock subscribed for shall have been paid up in full; but no call shall be made for any one installment exceeding twenty-five dollars per share, and, after any call shall have been made, no other or further call shall be made within one hundred days thereafter. Calls on stock.

§ 14. *Be it further enacted*, That the said company shall have a lien upon all the shares of stock held by the several stockholders, for the payment of such installments thereon as may be called for by the board of directors, under the provisions of the last preceding section of this act, and if any stockholder shall fail to pay any such installment when the same shall be required of him, the board of directors may cause his stock to be sold at auction, and out of the proceeds of such sale, first deducting all incidental charges, they shall retain the sum due on such stock for the installment in arrear, and the remaining surplus, if any, shall be paid over to the defaulting stockholder who held the stock so sold. Lien on stock.

§ 15. *Be it further enacted*, That without the concurrence of at least three-fourths in value of all the stockholders of said company, no assessment shall be made upon any stockholder whose stock shall have been fully paid up, for any additional payment, on account of such stock, nor in any event shall any such assessment ever be made to an amount exceeding twenty-five dollars per share. Assessments.

§ 16. *Be it further enacted*, That the said company shall be liable upon no express contracts except such as shall be signed by the president or vice president and countersigned by the secretary of said company. Liability.

§ 17. *Be it further enacted*, That this act shall be regarded as a public act, and shall be liberally construed in furtherance of the purposes for which the said company is incorporated.

§ 18. *Be it further enacted*, That this act shall take effect and be in force from and after its passage: *Provided*, that if the corporation hereby created shall not be fully or- Proviso



ganized within one year from the passage hereof, then this act shall be null and void.

APPROVED February 16, 1865.

In force Feb. 15, 1865. AN ACT incorporating "The Mechanical Bakery Company," of Chicago.

Corporators.	SECTION 1. <i>Be it enacted by the People of the State of Illinois, represented in the General Assembly,</i> That Joseph T. Ryerson, Edwin C. Larned, Henry C. Childs, Benjamin W. Raymond, Joel A. Ellis, Samuel Johnson, John H. Dunham, J. Y. Scammon, R. M. Larned, R. W. Green, George F. Rumsey and their associates, successors and assigns, be
Name and style.	and they are hereby created a body corporate and politic, by the name and style of "The Mechanical Bakery Company of Chicago," and by that name they and their successors
Powers.	shall have perpetual succession, and be capable in law of contracting and being contracted with, suing and being sued, of having and using a common seal, of purchasing, holding and conveying real and personal estate, for the purposes of this act, and of doing all other things which individuals might or could do, to carry into effect and operation the objects and purposes of this incorporation.
Object.	§ 2. The objects of this corporation are the manufacture of flour and other farinaceous substances into bread, pastry, and crackers, and the sale of such manufactured products, and the purchase and sale of flour and other farinaceous substances, and of other materials connected with or incident to such manufacturing business.
Capital stock.	§ 3. The capital stock of said company shall consist of such sum, not exceeding two hundred thousand dollars, and be divided into shares of such amount, as the stockholders may from time to time determine. The same shall be personal property, and transferable in such manner as the by-laws of said company shall provide.
Directors.	§ 4. The corporation hereby created shall be under such number of directors as the stockholders shall from time to time determine, and until otherwise ordered the number of directors shall be five. Such directors shall be stockholders, and shall be elected by the stockholders at such time and in such manner as the by-laws shall provide, and shall hold their offices for the term for which they were elected, and until their successors are elected.
First directors.	§ 5. Joseph T. Ryerson, Edwin C. Larned, Henry C. Childs, Benjamin W. Raymond, and Joel A. Ellis, shall constitute the first board of directors under this act, and shall act as such until their successors are elected.

§ 6. The directors of said company, a majority of whom Quorum. shall constitute a quorum, shall have and exercise, (unless otherwise ordered by the stockholders,) all the powers hereby conferred on said corporation, and may elect such officers Officers. and agents, and make such by-laws rules and regulations, (not inconsistent with the laws of this state,) for carrying into effect the objects of this act, as to them shall seem expedient.

§ 7. Copies of the minutes, proceedings and by-laws of By-laws. the company, certified by the president or secretary, under the seal of the corporation, shall be received in evidence.

This act shall be deemed and noticed as a public act without being specially pleaded, and shall take effect from its passage.

APPROVED February 15, 1865.

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AN ACT to incorporate the National Watch Company.

In force Feb. 15,  
1865.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That Benjamin W. Raymond, Joseph T. Ryerson, Philo Carpenter, Thomas S. Dickerson, Howard Z. Culver, George M. Wheeler, Benjamin F. Lawrence, and their associates, successors and assigns, be and they are hereby created a body corporate and politic, by the name and style of "The National Watch Company," and by that name they and their successors shall have perpetual succession, and be capable in law of contracting and being contracted with, suing and being sued, of having and using a common seal, of constructing, purchasing, holding, using and selling such machinery, stock, materials, and other personal property, and of purchasing, holding and conveying such real estate in the cities of Elgin and Chicago, or elsewhere, as shall be found necessary or desirable for the business and objects of this corporation, whose general office shall be located in the city of Chicago.

Corporators.

Name and style.

Powers.

§ 2. The said corporation is authorized to manufacture, purchase and sell watches, clocks and jewelry, and parts thereof, and materials for the manufacture of watches, clocks and jewelry.

Books of sub-  
scription.

§ 3. The capital stock of said company shall consist of such sum not exceeding five hundred thousand dollars, and be divided into shares of such amount as the stockholders may, from time to time, determine; such shares shall be personal property, and transferable in such manner as the by-laws of said company shall prescribe.

Capital stock.

Directors.

§ 4. The corporation hereby created shall be under the direction of such number of directors as the stockholders may, from time to time, determine, and until otherwise ordered, the number of directors shall be seven. Such directors shall be stockholders, and shall be elected by the stockholders, at such time and in such manner as the by-laws of said company shall provide, and hold their offices for the term for which they were elected, and until their successors are elected.

First board.

§ 5. Benjamin W. Raymond, Philo Carpenter, Thomas S. Dickerson, Howard Z. Culver, George M. Wheeler, Joseph T. Ryerson, and Benjamin F. Lawrence, shall constitute the first board of directors under this act, and shall hold their offices until their successors are elected in manner herein provided.

Quorum.

§ 6. The directors of said company, (a majority of which shall constitute a quorum.) shall have and exercise (unless otherwise ordered by the stockholders) all the powers hereby conferred on said corporation, and may elect such officers and agents, and make such by-laws, rules and regulations, (not inconsistent with the laws of this state,) for carrying into effect the objects of this act, as to them shall seem expedient. They shall also have power to fill any vacancy that may happen among the directors, by death, resignation, or otherwise.

Vacancies.

Evidence.

§ 7. This act shall be deemed and noticed as a public act, without being specially pleaded, and shall take effect from its passage.

APPROVED February 15, 1865.

In force Feb. 14, 1865, AN ACT to incorporate the Northwestern Manufacturing Company of Chicago.

Incorporators.

SECTION. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That* Richard T. Crane, Charles S. Crane, Martin Ryerson, Eliphalet W. Blatchford, and Charles N. Holden, and their associates and successors and assigns, and all such persons as shall become stockholders in the company hereby created, shall be a body politic and corporate, by the name and style of the "Northwestern 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 an iron and brass foundry and machinery manufacturing company: *Provided*, that if the corporation created by this act shall

Name and style.

Powers.

not organize within one year after the passage hereof, then this act shall be null and void.

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

§ 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 which may be prescribed by the by-laws to be adopted 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. Capital stock.

§ 4. The said corporation shall have power to borrow money, and may secure the payment of the same by deed of trust, mortgage, or other security. Borrow money.

§ 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. May hold real estate.

§ 6. The affairs of the company shall be managed by a board of directors, at least five in number, after the first election as herein provided; the directors shall be elected by the stockholders, at such time and place, and in such manner as shall be established by the by-laws of said company. The directors of said company shall be elected annually, but any failure or omission to elect directors shall in no wise impair or affect the rights and powers of directors holding over, or the rights or interests of the stockholders or others interested. Directors. Annual election.

§ 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 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. By laws.

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

APPROVED February 14, 1865.



In force Feb. 15,  
1855.

AN ACT incorporating the Oswego Manufacturing Company.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That all such persons as shall become subscribers to the stock hereinafter described, shall be and they are hereby constituted and declared a body politic and corporate, by the name and style of the "Oswego Manufacturing Company," from and after the passage of this act, and by that name they and their successors shall have succession for the period of thirty years, and shall, in law, be capable of suing and being sued, pleading and being impleaded, in all courts and places whatsoever; and they shall have power to hold real estate not exceeding three hundred acres.

Name and style.

Powers.

Location of dam.

§ 2. The president and directors of said corporation, hereafter provided for, may construct a dam across Fox river, within two miles of the village of Oswego, in Kendall county, or purchase water power from the owner or owners of any dam already constructed, and convey the water in a race any distance, not exceeding two miles, for manufacturing purposes, and shall have power and are authorized to carry on the manufacture of cotton, woolen and hemp, and erect all the necessary buildings and machinery for the prosecution of the same; give and receive promissory notes and perform all necessary acts as natural persons.

Right of way.

§ 3. The said corporation is hereby authorized to cause such examination to be made of the grounds necessary, to determine the most advantageous ground for building a dam or constructing a race, and it shall be lawful for said company to enter upon and take possession and use all such lands and real estate as may be necessary for constructing and maintaining said dam or race, providing that all lands or real estate entered upon and taken possession of shall be paid for by said company; and in case of disagreement, the price shall be established, fixed and recovered in the same manner provided for taking lands for the construction of public roads and canals or other public works, as prescribed by the act concerning the right of way, approved March 3, 1845.

Water power.

§ 4. The said company may sell, contract, or lease water power to any others for any species of manufacturing they may think proper to establish, and also erect buildings and machinery for the same.

Capital stock.

§ 5. The capital stock of said company shall be fifty thousand dollars, with the power to increase the same to two hundred thousand dollars; which said capital stock shall be divided into shares of fifty dollars each, payable in such installments, and at such times, and subject to such forfeitures as shall be prescribed by the said board of directors.

Books of subscription.

§ 6. That for the purpose of carrying into effect the object of this corporation, A. B. Smith, L. B. Judson, Walter Loucks, Gerret H. Teller, J. W. Chapman, Charles Suther-

land, J. D. Kennedy, Wm. Cowdry, E. Pearce, John Hemm, J. C. Shepard, Ed. Moody, and D. B. Jewell, are hereby appointed commissioners to obtain subscriptions to the capital stock of said company; and said commissioners, or a majority of them, shall take such measures for opening the books for the subscription to the capital stock of said company in such manner, at such times and places, and on such terms as they shall deem expedient and proper.

§ 7. The immediate government and direction of said company shall be vested in a board of seven directors, and they shall have power to make and establish such by-laws and ordinances as they shall deem necessary to carry into effect the provisions of this act, providing the same be not repugnant to the constitution or laws of the state or of the United States. Directors.

§ 8. As soon as the capital stock herein provided for shall be subscribed, or ten thousand dollars thereof, the said commissioners herein appointed, or a majority of them, shall call a meeting of the stockholders at Oswego, Kendall county, state of Illinois, for the election of seven directors of said company, at which election each share shall be entitled to one vote, and in case of the absence of any one stockholder, the same may vote by authorized proxy. Elections.

§ 9. The period of election of directors, as aforesaid, shall be annually, on the first Monday of the month in which the first election shall be held, and should it happen that an election should not be held on the day appointed by this act, the corporation shall not for that reason be dissolved, but such election may be held within ninety days by giving twenty days' public notice. Annual election.

§ 10. Immediately after the directors are chosen, as aforesaid, they shall hold a meeting, and at all subsequent meetings of the board, a majority of the directors shall constitute a quorum, and they shall proceed to the election of a president from their own body; a secretary shall be appointed from the body of the stockholders, and a treasurer shall be appointed from the board of directors, who shall give bonds to the board of directors in such amount as they shall think proper from time to time. Quorum.

§ 11. The stock of said corporation shall be deemed personal property, certificates for which shall be issued, signed by the president and countersigned by the secretary, and the same shall be transferable on the books of the corporation, but no transfer of stock shall be made by any stockholder who shall be indebted to the company until after such debts shall be paid or secured to the satisfaction of the president of said company. Stock personal property.

§ 12. All bonds and deeds in the purchase of real estate by the directors, shall be executed to the president and directors of said company and their successors in office, in trust for the stockholders of said company; and all convey- Bonds how made.

ances of real estate made by said corporation shall be made by the president and three directors of said company.

Funds. § 13. In order to facilitate the business operations of said company, the board of directors shall be authorized to obtain any sum or sums of money on their bonds, or other evidences of debt, to the amount of stock actually subscribed, and at no time shall the debts of the corporation exceed the amount of their capital stock.

§ 14. This act shall be deemed a public act, and shall take effect from and after its passage, and shall be liberally construed for every purpose therein contained.

Approved February 15, 1865.

L. force Feb. 16,  
1865.

#### AN ACT to incorporate the Russell Manufacturing Company.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That S. I. Russell, A. M. Billings, J. K. Russell, T. D. Russell, and their associates be, and they are hereby created, a body politic and corporate, with perpetual succession, by the name and style of "The Russell Manufacturing Company," for manufacturing implements and machines for agricultural and mechanical purposes.*

Capital stock. § 2. The capital stock of said company shall be five hundred thousand dollars, with power to increase the same to one million dollars; it may be divided into such shares, subscribed for, paid and transferred, in such proportions and in such manner as shall be prescribed by the by-laws and regulations of said company.

Directors. § 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 board of directors shall consist of not less than three nor more than five stockholders, who shall be chosen by the stockholders at such time and in such manner, as said corporation by its by-laws prescribe, and 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 adopt 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.

Borrow money. § 4. Said corporation is hereby authorized to borrow money and mortgage or lease any of its property or fran-

chise, to sue and be sued, to contract and be contracted with.

§ 5. This act shall be deemed a public act, and noticed as such by all courts, without pleadings, and take effect from and after its passage.

APPROVED February 16, 1865.

AN ACT to incorporate the Schenck Concentrated Feed Company.

In force Feb. 16,  
1865.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That Henry H. Honore, Samuel J. Walker, Hugh Maher, J. H. Schenck, John G. Rodgers, A. C. Badgers, Isaac R. Diller and all such persons as shall become subscribers to the stock herein-after described, shall be, and they are hereby declared and created a body corporate and politic by the name and style of the "Schenck Concentrated Feed Company," from and after the passage of this act, and by that name they and their successors shall have succession, and shall in law, be capable of suing and being sued, pleading and being impleaded, in all courts and places whatsoever; may have and use a common seal, and alter and change the same at pleasure; and may also, by and in that corporate name and style, be capable in law of contracting and being contracted with, of purchasing, holding and conveying away real and personal estate, for the purposes and uses, and within the scope of the business and objects of said corporation as hereinafter limited.

Corporators.

Name and style.

Powers.

§ 2. The president and directors of said company shall have power and authority to carry on the manufacture and sale of concentrated feed, under the letters patent granted to J. H. Schenck, or by and under any other means, authority or process; and to do, perform and transact all other branches of business incident or belonging thereto; to erect mills, machinery and such other buildings and works, as may be necessary to carry on their business; and enter into all contracts or agreements which may be requisite to, or concern the use and management of the property, business, affairs and interests of said company.

Business.

§ 3. The capital stock of said company shall be six hundred thousand dollars, divided into shares of one hundred dollars each; which capital stock may be hereafter increased to any sum not exceeding one million of dollars, as may be determined upon by the president and board of directors hereinafter provided to be appointed or elected.

Capital stock.

§ 4. In order to facilitate the business of said company, they shall be and are hereby authorized to borrow money,

Borrow money.



or negotiate loans of money, to any amount or amounts, not exceeding, in the aggregate, the capital stock of said company, and to pledge all or any part or portions of its property, real and personal, or either, and all its rights, credits and franchises, for the payment thereof; and to execute bonds notes or other obligations, for any debts contracted by said company, in the purchase of property or for moneys loaned, and to secure the same by mortgages or trust deeds on the property, real and personal, or the franchises of said company; and when any mortgage or deed of trust is executed to secure any notes or bonds of said company, described in said mortgage or trust deed, said notes or bonds shall all be as effectually secured thereby, although sold and disposed of after the date and execution of said mortgage and trust deed, as if they or any part thereof had been sold and disposed of at the date or execution of said mortgage or trust deed.

Open books.

§ 5. That any three of the persons named in the first section of this act shall have power, and they are hereby authorized to obtain subscriptions to the capital stock of said company, at such times and places as they may deem expedient. And when at least one hundred thousand dollars of said capital stock is subscribed, a meeting of the subscribers to said capital stock shall be called by the said three commissioners at such time and place as may be designated in the notice of such meeting, for the purpose of organizing said company, which notice shall be published for at least three days before the time of meeting, in a daily newspaper published in the city of Chicago, Cook county, Illinois.

Home office.

§ 6. The principal office of business of said corporation, shall be in the said city of Chicago; and the affairs and business of said company shall be under the direction of the three persons selected to receive subscriptions of stock, a majority of whom shall have authority to conduct all the necessary business required to further the business and perfect the organization of this incorporation, until the election of the president and directors hereinafter provided for.

Directors.

§ 7. That at the meeting provided for and required in section five of this act, the subscribers to the capital stock, shall proceed to elect five directors, who shall manage, direct and govern the affairs of said company, from the time of their election until the first Monday in January, A. D. 1866, and until their successors shall be elected.

Officers.

§ 8. Immediately after such election of directors, they the said directors, shall elect a president and a treasurer, who shall be selected from the said directors; and said president, directors and treasurer shall be the officers of said company, until the time prescribed in section seven. The directors shall have power to appoint a secretary and such other officers and agents as to them may seem necessary.

§ 9. The election of directors of said corporation shall be held at the office of the company, in Chicago, on the first Monday in January of each year; and at all elections of directors, each stockholder shall be entitled to give one vote for each share of stock he may hold. A majority of all votes given, shall be required to make an election; said votes to be given either in person or by proxy.

Time and place  
of election.

§ 10. The president and directors shall have power, from time to time, to make all such by-laws, rules and regulations, not inconsistent with the constitution and laws of this state or of the United States, which may be necessary for the collection of subscriptions to its stock and the transfer of the same, or that may in any manner concern the control, management or direction of the affairs of said company.

By-laws.

§ 11. This act shall be in force from and after its passage, and shall be construed as a public act in all courts, and shall be beneficially construed.

APPROVED February 16, 1865.

AN ACT to incorporate the Superior Steel and Iron Manufacturing Company of Chicago. In force Feb. 16, 1865.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That Albert D. Jones, Charles Tobey, Hiram Frisbie, Chauncey T. Bowen and William B. Howard, 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 Superior Steel and Iron 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 interests of a manufacturing company.*

Name and style.

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

Books opened.

§ 3. The capital stock of said company shall be one hundred thousand dollars, with power to increase the same to five hundred thousand dollars, to be subscribed and paid for in the manner prescribed by the by-laws to be formed by said company, and shall be divided into shares of one

Capital stock.

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.

Borrow money.

§ 4. The said corporation shall have power to borrow money and may secure the payment of the same by deed of trust, mortgage or other securities upon real estate or personal property owned by them.

Bonds and deeds

§ 5. Said corporation shall have power to receive bills, notes, bonds and deeds of trust or mortgages taken or received by them in the prosecution of their business.

May hold and sell property.

§ 6. It shall 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, or which may be taken by them upon any debt owing to said corporation, and shall have power to sell and convey the same.

Directors.

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

By-laws

§ 8. 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.

Proviso

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

APPROVED February 16, 1865.

In force Feb. 15,  
1865.

AN ACT to incorporate the Banner Coal and Coal Oil Company.

Name and style.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That George A. Brittenbaumer, John H. Wilson, W. S. Streeter and Samuel C. Plummer, their associates, successors and assigns, be and they are hereby constituted a body corporate, by the name and style of "The Banner Coal and Coal Oil Company," with power to contract and be contracted with, sue and be sued, by that name in all courts of law and

Powers.



equity in this state; to have a common seal, to engage in the business of mining, coking, transporting and selling of mineral coal, and the boring for, refining, manufacturing, transporting and selling of carbon or coal oil; and the products of said coal and coal oil in and upon all lands owned or hereafter to be owned by them in the counties of Mercer, Henry and Rock Island, in this state, and in the transportation of the same to home and foreign markets, and to have all needful and necessary powers for the successful prosecution of the powers herein granted.

§ 2. The said company is herein also empowered to sell and dispose of any and all lands owned by them, to appoint all necessary agents and officers to transact their business, to pass such by-laws and regulations, not inconsistent with the laws of this state and of the United States, as may be necessary for the perfect organization of said company and the prosecution of its business within the meaning of this act, with power to hold personal property, either as security or otherwise, and to erect and maintain such buildings and machinery, and to lay out, open and maintain such road or roads as may be necessary to carry on said business. By-laws.

§ 3. The capital stock of said company shall be five hundred thousand dollars, divided into shares of one hundred dollars each, with power to increase said capital stock by vote of the stockholders at any meeting of such stockholders called for that purpose, which said shares of stock may be transferred or assigned as may be provided by the by-laws of said company. Capital stock.

§ 4. The said company shall have authority to construct and maintain any wagon or railroad from any part of the lands owned by said company, in said Mercer, Henry and Rock Island counties, to connect with any other wagon road, or with the Chicago and Rock Island road, or with the Rock Island and Peoria railroad, or to the city of Rock Island. The right of way of such road or roads to be constructed under the provisions of this act may be obtained by said company either by purchase, gift, or grant, or in the mode prescribed by an act of the state of Illinois, entitled "An act to amend the law condemning the right of way for the purpose of internal improvement," approved June 22, 1852. Rail or wagon road.

§ 5. The directors of this company shall consist of not less than three nor more than seven, who shall be elected annually by the stockholders of said company, at such time and place, and upon such notice as the by-laws of said company may prescribe; at such election of the company, each stockholder shall be entitled to one vote for every share of stock held by them. Directors.

§ 6. Said company are further authorized to borrow money to carry on the business of said company, and for that purpose may issue the bonds of said company bearing interest, but not to exceed ten per cent. per annum, which Borrow money.



said bonds shall be a lien upon all lands and personal property of said company until paid, from the time said bonds shall be recorded in the recorder's office of the said counties of Mercer, Henry and Rock Island; it being the intent of this act to make said bonds a lien upon said land or personal property in such counties where the same shall be recorded, and in them only.

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

APPROVED February 16, 1865.

In force Feb. 15,  
1865.

AN ACT to incorporate the Black Hawk Mining Company.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That John Brown, J. P. Thompson, Wm. P. Sykes, J. H. Martin, Elias Willets, S. Burroughs, James Crawford, B. T. O. Hubbard, W. T. Dickson, A. C. Harding, G. W. Savage, and their associates, successors and assigns, be and they are hereby created a body corporate and politic, by the name and style of "The Black Hawk Mining Company," and by that name shall have and enjoy all the rights, privileges and immunities which may be necessary for mining purposes and for boring and mining for petroleum, coal or salt, within the state of Illinois; but nothing contained in this act shall authorize said company to engage in any banking business, or to issue any notes to circulate as money or currency.

§ 2. The said company shall have power to bore and mine for petroleum, coal or salt in said state, upon lands owned or leased by said company, in such way and manner as the directors may judge that the interest and welfare of the company require, and may issue stock, if they deem it best so to do, to the amount of one hundred thousand dollars, in shares of twenty-five dollars each, upon such conditions as may be regulated by the by-laws.

§ 3. Said company may do all acts not inconsistent with the constitution and laws of this state or of the United States, as may seem necessary to carry out the full objects of this act, and may make such by-laws, ordinances and resolutions as may seem necessary or convenient for their regulation and government and for the management of their affairs.

§ 4. Said company may sue and be sued, appear, prosecute and defend in any court or place whatsoever, and shall be recognized as a corporation in all courts.

§ 5. This act shall be void unless the directors, or a majority of them, organize the company at Monmouth, in the

said state, within eighteen months from its passage, but the directors are authorized to carry on and conduct the business of the company at any place in the state.

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

APPROVED February 15, 1865.

AN ACT creating the Bowlesville Mining Company, in Gallatin County.

WHEREAS the "Shawneetown Coal Mining and Manufacturing Company," incorporated by an act passed on the ninth of February, eighteen hundred and fifty-five, after expending in the purchase of mineral lands and mining rights, the construction of a railroad from the Ohio river to their coal bank, and making other necessary improvements—about two hundred thousand dollars—sold and conveyed all of their property and rights, including the franchise, to Joseph Bowles, of Bowlesville, Illinois, who, on the seventh of October, eighteen hundred and sixty-four, departed this life intestate, leaving no descendant, and the property and rights aforesaid passed by descent to his widow, mother, brothers and sisters, between whom the said property cannot be divided in kind, and they desiring an act of incorporation to enable them to sell the same in stock; and it being deemed proper to afford all necessary facilities to make sales, in order that said property may be occupied and used for the accommodation of the public, and the development of the mineral resources of that part of the state, and the objects of the incorporation not being attainable under any general law; therefore,

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That a body politic and corporate, be and the same is hereby created in the county of Gallatin, by the name of the "Bowlesville Mining Company;" and by such name to have and enjoy perpetual existence and succession, with power to contract and be contracted with, to sue and be sued, to plead and be impleaded as a natural person; to take, have, hold and use property, real, personal and mixed, and to lease, sell and convey the same; to make, have and use a common seal, and alter, break and renew the same at pleasure; to make by-laws, rules and regulations, in respect to the management of property and the transaction of business, and also for the government of those in its service; to employ or appoint agents, servants and others, to transact business, and to transact all business with reference to the objects of its creation as a natural person: *Provided*, that no by-laws, rules

In force Feb. 13,  
1865.

Preamble.

Name and style

Powers.

Proviso.

or regulations shall be made or adopted in violation of the constitution of this state, or of the United States.

Capital stock

§ 2. The capital stock of said corporation shall be one million of dollars, divided into shares of one hundred dollars, which shall be deemed personal property, and assignable in such manner as may be prescribed by the by-laws of the corporation.

Object.

§ 3. The object and business of such corporation shall be the mining of coal, iron ore, salt water, and other minerals, the transportation and sale thereof, the manufacture of salt, lime, bricks and slates, and the sale thereof; and for those purposes the said corporation may purchase, have, hold and use lands, and mining rights, and may open, construct and use common wagon roads, McAdamized or turnpike roads, and railroads, from the Ohio river to the place or places of business in the county of Gallatin, and the right of way for any such road or roads may be obtained by proceedings under the provisions of the act entitled "An act to amend the law condemning the right of way for purposes of internal improvement," approved 22d June, 1852. The said corporation may also purchase, hold and use steamboats, coal boats and other vessels, necessary to the transportation of coal, minerals, or other articles excavated from the earth, or manufactured; and moreover, shall succeed to the rights of the "Shawneetown Coal Mining and Manufacturing Company," referred to in the preamble.

Directors.

§ 4. The business of the said corporation shall be superintended and transacted by a board of five directors, one of whom shall be the president, and one the secretary and treasurer; which board shall be elected or appointed by the stockholders, the owners of each share of stock to be entitled to one vote in such election or appointment.

Books of subscription.

§ 5. John Olney, Joseph B. Bengier, William Thomas and Alexander Low, are hereby appointed commissioners, to receive subscriptions to the capital stock of said corporation, and to organize the same. Upon giving ten days' notice in some newspaper published in Shawneetown, Illinois, of the time, place and terms of receiving such subscriptions; they shall open a book or books, in which they shall receive and record subscriptions to the said capital stock from such persons as may desire to become stockholders, and keep the same open until three hundred thousand dollars shall have been subscribed, when the said book or books shall be closed. And the said commissioners shall thereupon give notice to the subscribers of the time and places for holding an election for the directors of said corporation, which shall be held within ten days after the closing of the books as aforesaid; and at the time and place specified in such notice, the said commissioners shall attend and receive the votes of said subscribers, or such of them as may be present, acting as inspectors of said election; and when all the stockholders

Elections.

present shall have voted, and the result ascertained, the commissioners shall make a certificate thereof, a copy of which shall be delivered to the persons having the majority of all the votes given, which shall be evidence of their election in all courts and places in which that question may arise.

§ 6. The election provided for in the foregoing section, and all subsequent elections, shall be by ballot, and a majority of all the votes given at each election, counting one vote for each share of stock owned by the voter, shall be necessary to a choice. The persons first elected shall serve one year, and until successors are elected. The stockholders shall agree upon and adopt by-laws for the regulation of the conduct of the directors, and the directors shall agree upon and adopt by-laws, rules and regulations in respect to the conduct of all agents, servants, and others employed by them.

§ 7. Directors shall be elected annually, but if, from any cause, no election shall be held as herein provided, the corporation shall not, for that cause, be dissolved, nor any right forfeited, but the directors last chosen shall continue in office and to act until successors are elected.

§ 8. The directors shall make a statement of the business and accounts of the corporation every six months, and furnish an abstract thereof to each stockholder, and upon such statement declare and set apart, to be divided among the stockholders, the net profits arising from the business, and, on demand, each stockholder shall be paid his or her proportion of said net profits.

§ 9. Whatever stock may remain unsubscribed for at the first election of directors, shall be subject to the disposition of the board of directors, acting under or by authority of resolutions of the stockholders.

§ 10. The aforesaid commissioners shall make and keep a record of their proceedings and action under the provisions hereof; any two of whom shall constitute a quorum, and may act and perform the duties herein required. Upon the election of directors, the record kept by said commissioners, certified by them under their hands and seals, shall be delivered to the said directors; and said record, or certified copies thereof, shall be evidence of the legal organization of the corporation.

§ 11. Each subscriber to the capital stock shall pay, at the time of subscribing, ten dollars on each share of stock subscribed for, and ten dollars at the end of every six months thereafter, until the whole amount is paid; but in case the widow and heirs of Joseph Bowles, deceased, shall subscribe for the three hundred thousand dollars, they may pay the whole amount thereof by conveying to the corporation the lands, mining rights, railroad, and their appurtenances, formerly owned by the "Shawneetown Coal Mining and Man-



ufacturing Company," but if they do not so subscribe, then the money paid by the subscribers shall be applied to the purchase of said property, on terms to be agreed on by the parties interested—the said heirs conveying said property to the corporation, retaining a lien on the same for payment of purchase money.

[§ 12.] This act to be in force from and after its passage.

APPROVED February 13, 1865.

In force Feb. 16, 1865. AN ACT to amend an act entitled "An act to incorporate the Carroll County Coal and Mining Company," approved February 11, 1857.

Names changed. SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That section one of the act to which this is an amendment, be amended so as to change the name of Abram Hasteller to Abram Hostetter, and the name of John L. Hasteller to John L. Hostetter, and add the names of Peter S. Reist and Charles B. Smith, as incorporators; also to change the name of said corporation to the "Carroll County Coal Mining and Petroleum Company," and to add to the objects and purposes of said company the following, to wit: to sink wells and explore for coal oil and petroleum.

Shares of stock. § 2. That section three of said act be amended by adding thereto the words "and said company shall have power to fix and declare the amount and number of shares into which their capital stock shall be divided, and such other particulars as they may deem best for the interest of said company."

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

APPROVED February 16, 1865.

In force Feb. 16, 1865. AN ACT to incorporate "The Carroll County Petroleum and Mining Company."

Name and style. SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That Abram H. Lichty, Thomas B. Rhodes, William A. Brotherton, and their associates and successors, are hereby constituted a body politic and corporate, by the name and style of "The Carroll County Petroleum and Mining Company," with perpetual succession, for the purpose of boring for oil, and

exploring for coal, lead and other metals, ores and minerals, 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 the privilege to alter the same at pleasure; 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, mills, buildings, and all other works necessary for carrying on their operations; hold petroleum and mining rights, and shall enjoy the privileges incident to such corporations for such purposes, and possess all the rights, powers and immunities necessary to execute and carry on such business.

Powers.

Seal.

Borrow money.

§ 2. The persons name 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.

Company, how organized.

§ 3. The capital stock of said company shall not be less than twenty-five thousand dollars, and may be increased to any sum not exceeding five hundred thousand dollars; to determine the par value of shares; 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 for the company.

Capital stock

§ 4. Said company shall have power to construct branch railroads from any part of the lands owned by them, or which may be owned by them under authority of this act, so as to connect with any other railroad. Such road or roads, so constructed, shall be operated by said Carroll County Petroleum and Mining Company, for their exclusive benefit and advantage.

Branch roads.

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

APPROVED February 16, 1865.

AN ACT to define and enlarge the corporate powers of the Coal Valley Mining Company. In force April 17, 1865.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the Coal Valley Mining Company, now organized under the general law, and doing business in the county of Rock Island, is hereby declared to be a body politic and corporate, with all the rights and powers given to corporate companies, by the

Rights and privileges.

"Act to authorize the formation of corporate companies for the purpose of mining and transportation, by a general law," approved June 22d, 1852, notwithstanding any irregularities or omissions which may have occurred in its organization under said law, which corporate company may exist for ninety-nine years, with power to invest any portion of its capital stock in such real estate as may be deemed necessary for the successful prosecution of the business of mining, transporting and selling coal, and to hold or sell said real estate at pleasure; and said company may, by resolution, dispense with the board of directors provided for by said law, and provide that all their duties shall be performed by the stockholders of said company, under such rules and regulations as may be, by law, prescribed: *Provided, however,* that a majority in interest, of all the stockholders, shall concur in person, or by proxy, in the passage of any resolution, or by-law, or in the election or appointment of any agent or officer of said company.

§ 2. Said company may acquire title to so much of the Rock Island and Peoria railroad, as is now completed, extending from Rock Island to Coal Valley, and, thereupon, said company shall become subject to all the provisions and be entitled to all the benefits of the act incorporating the Rock Island and Peoria Railroad Company, and the general laws of this state with reference to railroads, so far as the same may be consistent with this act; may extend said road, or construct branches thereof, to any point in the county of Rock Island or the adjoining counties, and to that end may increase its capital stock, and may acquire lands and right of way over the same, in the manner pointed out by said act of incorporation; and may, also, in like manner, acquire the right of way over any lands over which said railroads now run, which shall not have been acquired by the Rock Island and Peoria Railroad Company; but said railroad and its rolling stock and appurtenances shall be listed for taxation as other railroad property; and all the other property of the company shall be listed for taxation as like property of other incorporated companies: *Provided*, that nothing in this act contained shall be so construed as to apply to or affect the right of way over any public grounds within the city of Rock Island, or in any way to interfere with or affect the control of the city council of said city, over any such public grounds.

APPROVED February 15, 1865.

AN ACT to amend an act entitled "An act to incorporate the Eagle Coal In force Feb. 16, Company," approved February 14, 1857. 1865.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That section four of the act to which this [is] an amendment, be and the same is hereby repealed. Sec. 4 repealed.

§ 2. The said company are hereby authorized and empowered to construct and operate a railroad, to connect with any other railroad now in operation, or which may hereafter be constructed, passing or running within twelve miles of their mines or works in the counties of LaSalle and Livingston, or either of them, and to increase their capital stock to any amount not exceeding the actual cost of their works, and, also, to increase the number of directors of said company to any number not exceeding nine. Powers.

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

APPROVED February 16, 1865.

AN ACT to incorporate the Empire Coal Company.

In force Feb. 16, 1865.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That John C. Hilton, A. C. Badger, O. F. Badger, Chauncey T. Bowen, Walter W. Hilton, 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 "Empire Coal 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 or conveying real and personal estate, which may be needful to carry into effect, fully, the purposes and objects of this act. Name and style. Powers.

§ 2. The said corporation is hereby authorized and empowered to purchase and hold real estate for the purpose of mining therein for coal, to do a general coal mining business; to manufacture machinery and implements necessary to the effectual carrying on of said coal mining business, and to manufacture coal cars in sufficient numbers and of sufficient May hold real estate.



capacity for the use of said company in the transportation of the products of its mines to market.

Railway.

§ 3. The said corporation is hereby authorized and empowered to construct, maintain and operate a railway for the transportation of coal mined by said company, with one or more tracks or lines of rail, with all convenient turnouts, side tracks and appendages, from Marshfield coal mines, situated in the town of Indian Grove, Livingston county, to Pontiac, in said county, or to any point on the line of the Chicago, Alton and St. Louis railroad, between the town of Chenoa, in the county of McLean and the town of Pontiac, in said Livingston county, in the state of Illinois.

When private property taken.

§ 4. To enable the said corporation to construct the railway herein authorized, and its appendages, the said corporation is hereby vested with power to take and apply private property for the purposes 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 22, 1852, and the several acts amendatory thereof; and may exercise all the power conferred upon railroad corporations by the 25th and 26th 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, agreeably to the provisions of the act hereinbefore first mentioned.

Capital stock.

§ 5. The capital stock of said corporation shall be five hundred thousand dollars, with power to increase the same to any sum not exceeding one million 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.

Give liens and issue bonds.

§ 6. Said corporation shall have power to mortgage its property, both real and personal, and to issue bonds, secured by such mortgage or mortgages, bearing such rate of interest not exceeding ten per cent., per annum, as said board of directors shall elect.

Books opened.

§ 7. Books of subscription may be opened under the direction of the board of directors as hereby constituted, and when the amount of capital stock, as provided in the foregoing section, shall have been subscribed, and forty per cent. thereof actually paid in cash, the said board of directors may declare the company organized.

Board of directors.

§ 8. All corporate powers of said company shall be vested in and be exercised by a board of directors, and such officers and agents as they shall appoint. The board of directors shall consist of not less than three nor more than five stockholders, who shall be chosen every year by the stockholders, each share having one vote, to be given in person or by proxy; such directors to continue in office until their

successors are elected and qualified. A majority of the board shall constitute a quorum for the transaction of business.

§ 9. The persons named in the first section of this act shall constitute the first board of directors, and shall hold their office till the first Monday in June next succeeding the organization of the company, and until their successors are elected; and on the first Monday in June in each year during the continuance of said corporation, an election of directors thereof shall be held in the city of Chicago, at such time and place as the existing board of directors may prescribe. First board.

§ 10. The said company shall have power to make, ordain and establish all such by-laws, rules and regulations, as may 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 interest of the company: *Provided*, that the same be not repugnant to the constitution and laws of the United States or of this state, or repugnant to this act. By-laws.

§ 11. This act shall be deemed a public act, and shall be favorably construed for all purposes herein expressed or declared, in all courts and places whatsoever, and shall be in force from and after its passage.

APPROVED February 16, 1865.

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AN ACT to incorporate the Empire Mining and Oil Company.

In force Feb. 16,  
1865.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That Benjamin F. Smith, Andrew J. Hunter and Cornelius Price, their associates, successors and assigns be, and they are hereby created a body politic and corporate, under the name and style of "The Empire Mining and Oil Company," with perpetual succession, and with all the privileges and immunities incident to corporations, with power to contract and be contracted with, sue and be sued in all courts and places; to organize by the appointment of a president, and such other officers as they may deem necessary; to make such by-laws, rules and regulations as they may deem expedient, from time to time, for the government and management of said corporation and its affairs, and the prosecution of its business; to have a corporate seal, and alter the same at pleasure; to dig, bore and mine for coal, iron and other minerals, for salt water, coal oil and petroleum, and to manufacture, sell and transport the same, and the products thereof; to carry on the cooperage business, and all other Name and style.

Powers.  
Seal.

powers, necessary and adequate, to effect the objects of said corporation, and to forward the prosecution of its business.

Land and right  
of way.

§ 2. The said company may receive in payment of its capital stock, and may lease, buy and hold, such personal property, real estate interests in land, mining rights and rights of way in this state and elsewhere, as may be deemed advantageous and necessary by them, to forward their interests, and to the successful prosecution of their business.

Wagon and  
plank road.

§ 3. The said company shall have power to lay out, contract and operate such wagon ways, plank roads, railroads and appurtenances thereto, on and from the lands of said company, as they may deem proper, for the transportation of their property, with power to condemn land therefor, according to the provisions of any or either of the acts concerning the right of way heretofore enacted.

Agents.

§ 4. Said corporation may appoint and employ such agents as may be required by them, and define the powers and prescribe the duties of such agents.

Capital stock.

§ 5. The capital stock of said corporation shall be one million dollars, with power to increase the same to any sum not exceeding two million dollars, and to be divided into equal shares, as said company may determine.

Borrow money.

§ 6. Said corporation may borrow money at such interest as may be agreed upon, and pledge its property for the payment of the same.

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

APPROVED February 16, 1865.

In force Feb. 16,  
1865.

#### AN ACT to incorporate the Forsythe Coal Mining Company.

Name and style.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That John Forsythe, Ezra B. McCagg, William B. Ogden, Mahlon D. Ogden, Edwin H. Sheldon, J. Young Scammon, John M. Underwood, and their associates, successors and assigns, are hereby created a body politic and corporate, under the name and style of "The Forsythe Coal Mining Company," whose office shall be at the city of Chicago, in the county of Cook, Illinois, and by that name shall have perpetual succession, with the power to contract and be contracted with, sue and be sued in that name, in all courts and places; to have a common seal, and change the same at pleasure; to engage in the mining, sale and transportation of coal, iron or other minerals, and in the manufacture of iron, lime, coal oil, fire-brick, and other products of lands now owned or occupied or hereafter to be owned or occupied by them, and in

Powers.

transportation of the same, or any of them, to home and foreign markets.

§ 2. The said company may receive, purchase and hold any real estate, mining rights and right of way, for the purpose of mining, and preparing for sale, and transportation of coal, iron, lime, bricks, slates, coal oil and other articles, the products of their mines, for home and foreign markets, as may be deemed necessary by them to the successful prosecution of their business, and the execution of the powers herein granted; and may build and own boats, trucks, houses and other personal property, for carrying on their business, and may dispose of the same by sale or otherwise, and may receive real estate in payment of stock, and shall have power to construct wagon ways or railways, and appurtenances thereto, either above or below ground from their mines, to such points as they may deem expedient, and for such purposes, are hereby invested with all needful rights and powers. Rights and privileges.

§ 3. The above named incorporators, or any one of them, may open books at such time and place in the city of Chicago, for subscriptions to the capital stock of said company, as they may appoint, not exceeding two years from the passage of this act, by giving five days' notice in one or more of the daily papers published in said city, that such books will be opened to subscribers to the capital stock of said company, and that they will remain open until the amount of fifty thousand dollars shall be subscribed, when the stockholders will organize the company, by choosing five directors, who shall hold their office until the first Monday of January next succeeding the organization of the company, and until their successors are elected and qualified. And on the first Monday of January, in each year during the continuance of the corporation, an election shall be held at the office of said company, to elect five directors of said company, who shall hold their offices until the next annual election, and until their successors are duly elected and qualified. Books of subscription.  
Directors.

§ 4. The said directors, when chosen, shall choose a president, and shall, also, have power to appoint a secretary and treasurer, and all such other officers and agents as they may think necessary, and shall define their duties; and said board of directors shall have power to fill any vacancy that may occur in their own body, a plurality of votes constituting a choice; and such person or persons so elected to fill such vacancy or vacancies, shall hold office till the next annual election of directors. A majority of the board of directors present at any meeting shall constitute a quorum for the transacting of business. Officers.  
Vacancy.

§ 5. Said company shall have power to make such by-laws, rules and regulations as they may deem necessary for the government and management of said company not in- By-laws.



consistent with the constitution and laws of this state or of the United States.

Capital stock.

§ 6. The capital stock of said company shall be three hundred thousand dollars, with power to increase the same to any sum not exceeding five hundred thousand dollars, or to diminish the same at pleasure; said stock to be divided into shares of one hundred dollars each, and the holder of stock in said company shall, by himself or proxy, be entitled to cast one vote for each share so held by him, at all elections held by said company.

Certificate of stock.

[§ 7.] The president or other officers employed by the company, shall issue certificates of stock to the holders thereof, whenever the same shall be paid for, which certificates shall be countersigned by the secretary, and shall be assignable and transferable only in such manner and at such places as the stockholders of said company shall, by their by-laws, prescribe.

Borrow money.

§ 8. It shall be lawful for the president and directors of said company to borrow or obtain on loan any sums of money, and on such terms as they may deem expedient, for said company, and issue notes or bonds for the same, secured by mortgage on the real estate of the company, or otherwise.

Property taxable

§ 9. The real and personal estate of said company shall be assessed for taxation, as other property, but the stock shall not be liable to be assessed.

§ 10. This act shall take effect from and after its passage.

APPROVED February 16, 1865.

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In force Feb. 16,  
1865.

AN ACT to incorporate the Hardin Salt and Mining Company.

Corporators.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That John W. Ralph, James McFarlan, Charles Burnett, Joseph B. Miller, Wm. A. Ayers and A. Wall, and their successors, associates and assigns, are hereby created a body corporate and politic, by the name of "The Hardin Salt and Mining Company," and under and by that name they and their successors shall have perpetual succession, and shall have power to sue and be sued, plead and be impleaded, contract and be contracted with, and may have and use a common seal, which they may change at pleasure. They shall have power to organize such company by the appointment of a president and such other officers as they may deem necessary, at such time and place as they may designate by notice previously given by them, and they shall have power to make

Name and style.

Powers.

such by-laws, rules and regulations as they may deem necessary for the government, management and prosecution of the business of the company, not inconsistent with existing laws: *Provided*, that the rights, privileges and immunities herein granted shall be subject to such limitations in relation to the fare of passengers and tariff on freight as may hereafter be imposed by general laws.

§ 2. The said company may appoint and employ such agents as may be required by them, and define the power and prescribe the duties of such agents. Agents.

§ 3. The said company may buy and hold such real estate, mining right and right of way as may be deemed necessary by them to the successful prosecution of their business and the execution of the powers herein granted, and shall have power to lay out and construct such wagon ways, railroads and appurtenances thereto, on and from the lands of said company, to such points on the Ohio river as they may deem expedient and proper, and to engage generally in the business of welling for salt water and mining for coal, iron, lead, and other minerals, and for the manufacture, sale and transportation of the products of their wells and mines, and such other commodities as such company may think promotive of its welfare, with all power necessary and adequate to carry into effect the successful prosecution of their business, and the execution of the powers herein granted. Hold and sell real estate.

§ 4. And the right of way and occupancy may be acquired and damages adjusted under the provisions and act to provide for a general system of railroad incorporations, approved Nov. 6, 1849; and when such damages are assessed and paid, or tendered, according to the provisions of said act, the lands so acquired shall vest in said company for the use and purposes thereof; and when such right of way shall have been awarded under said law, a copy of the report shall be filed and recorded in the county where such lands are situate, and a duly certified copy of such record shall be taken and received as evidence in all trials relating to the same. Right of way.

§ 5. The capital stock of said company shall be one hundred thousand dollars, which may be increased by said company to such sum as they may deem necessary, not to exceed one million of dollars, and the same may be divided into shares of the denomination of one hundred dollars each. Capital stock.

§ 6. Any person owning any share or interest in said company shall be entitled to a certificate signed by the president and countersigned by the secretary of said company, specifying the extent and monied value of such interest, and that the owner thereof or his assigns is entitled to the same and the profits thereof in accordance with the charter and by-laws of said company. The rights and liabilities of associates or shareholders and their assignees in said company Certificate of stock.

shall be the same as in ordinary railroad and other incorporated companies. All taxes shall be assessed before, and all liabilities shall be incurred and paid by the company and not by the shareholders.

Directors.

§ 7. The affairs of said company shall be managed by a board of seven directors, to be chosen annually by the stockholders from among themselves. At all elections, each stockholder shall be entitled to one vote for each share held by him, and may vote either personally or by proxy. In case of any vacancy in the board of directors, the same may be filled at any meeting of the board. The board of directors shall choose one of their number as president, who shall be also president of the company, and shall have the appointment of all such officers for the incorporation as they may deem necessary, and prescribe their duties.

Proxy votes.

Call for stock.

§ 8. The board of directors may make calls upon the sums subscribed to the capital stock of said company, at such times and in such amounts, not to exceed five percent. per month, as they shall deem fit, giving at least thirty days' notice in some public newspaper published in this state; and in case of failure on the part of the stockholders to make payment of any call made by the directors for sixty days after the same shall have been due, the said board of directors are hereby authorized to declare said stock so in arrears, and all sums paid thereon, forfeited to the said company.

Borrow money.

§ 9. The said company are hereby authorized to borrow, from time to time, such sums of money, not exceeding the capital stock of such company, as the board of directors may deem necessary, to aid in the construction of the works hereby authorized, and to pledge and mortgage any property of said company as security for such loans.

Time.

§ 10. The said company shall be allowed five years after the passage of this act to commence the construction of the works hereby authorized.

This act to take effect from and after its passage.

APPROVED February 16, 1865.

IN force Feb. 16, 1865. AN ACT to incorporate the Illinois California Silver Mining Company.

Corporators.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That* Blakely Pilkington, Milton T. Peters, John B. Pilkington, Isham N. Haynie, S. W. Moulton, S. D. Dole, Alonzo Eaton, C. M. Dole, J. C. Dole, George W. Hered, J. Sawyer, Z. J. Frost, and their associates and successors, are hereby constituted



a body politic and corporate, by the name and style of "Illinois California Silver Mining Company," with perpetual succession, for the purpose of mining and exploring for silver, gold, and other metals, ores and minerals, and by that name and style, with power to contract and be contracted with, to sue and be sued, plead and be impleaded, appear, prosecute and defend in any and all courts of law or equity, in all suits and actions; have and use a common seal, with the privilege to alter the same at pleasure; establish, alter or change any by-laws for the government of the company, and may borrow money, purchase, hold, sell, mortgage, transfer and convey any real or personal estate or property; may make, erect or construct shafts, pits, races, roads, furnaces, forges, mills, buildings, and all other works necessary for carrying on their operations in California, Nevada and elsewhere; hold mining rights, mine and work for silver, gold, and other metals, minerals and ores, in California, Nevada and elsewhere, and transport the products of their said mining and work; 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 in California, Nevada and elsewhere.

Name and style.

Powers.

§ 2. The persons named in this act shall have power to organize said company by the selection and appointment of such officers or managers as they may deem necessary, who shall have power, subject to the control and direction of the company, to make regulations and by-laws from time to time for management of their business, not inconsistent with the laws of the state or states where such company may be operating, or of the United States.

Officers.

By-laws.

§ 3. The capital stock of said company shall not be less than five thousand dollars, and may be increased to any sum not exceeding one million dollars. Said company shall have power to fix the amount of each share of the capital stock, and to take real and personal property, or either, in payment on subscription to its stock, at such prices as they may think proper and expedient.

Capital stock.

§ 4. Said company shall have power to create, dispose of and issue such number of shares of the stock of said company; not exceeding in the aggregate one million of dollars, at the representative value thereof, as may be ordered by a vote of the company; to determine the par value of shares; to pay the stock of the corporation for such mining rights and interests in real estate as it may be deemed necessary to purchase for the operations of the company.

Shares of stock.

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

APPROVED February 16, 1865.



In force Feb. 16, 1865. AN ACT to incorporate the Illinois Lead Mining and Smelting Company.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That Charles A. M. Gregory, Robert R. McCormick, Thomas G. McLaurry, David A. Gage and John C. Hinton, their associates, successors and assigns, are hereby created a body corporate and politic, under the name and style of the "Illinois Lead Mining and Smelting Company," for the term of one hundred years, with the power to contract and be contracted with, sue and be sued, in that name, in all courts and places; to have a common seal, and change the same at pleasure; to engage in the mining, smelting, manufacture, sale and transportation of lead, iron, coal and other minerals and products of their lands. The said company may receive, purchase, hold, sell and transfer any real or personal property, mining rights and right of way, for the purpose of mining and preparing for sale and transportation of minerals, and other products of their mines or lands as may be deemed necessary by them to the successful prosecution of their business, and the execution of the powers herein granted; and may have, hold and receive real estate and personal property in payment of their capital stock. And said company shall have power to employ such agents and define their powers, and to make such by-laws, rules and regulations, (and alter the same,) as they shall deem necessary for the government of said company, not inconsistent with the constitution and laws of this state or of the United States. And the board of directors of said company shall have power to fill any vacancy created by the death, resignation or removal of any of their number, until the next election of directors after such vacancy shall have arisen. The capital stock of said company shall be five hundred thousand dollars, with power in said company to increase or diminish the same, and the same shall be divided into convenient shares under the vote of the stockholders of said company. And the holder of stock in said company shall by himself or proxy be entitled to cast one vote for each share so held by him; and all elections held by said company for directors, and the affairs of said company shall be managed by the board of directors. The president and other officers shall be elected by the directors; and a majority of the stock represented at any meeting for an election of directors shall be entitled to elect such board of directors. The said Illinois Lead Mining and Smelting Company having been heretofore organized under the act entitled "An act to authorize the formation of corporations for manufacturing, mining, mechanical or chemical purposes," approved February 18, 1857, it is hereby enacted, that all the real and personal property, rights, powers and privileges, vested in said company as heretofore organized, are hereby confirmed

and vested in this body corporate by virtue of this act, and the present officers of such company shall continue to hold their respective offices under the by-laws adopted by said company, and until their successors shall be elected. The president or vice president of the company shall sign all certificates of stock of said company whenever the same shall be issued, which certificates shall be countersigned by the secretary, and shall be assignable and transferable only in such manner and at such places as the stockholders of said company shall by their by-laws prescribe. It shall be lawful for the president and directors of said company to borrow any sums of money, and on such terms as they may deem expedient, and to issue bonds or other evidences of indebtedness therefor; and it shall be lawful to secure the same by mortgage on the real or personal property of the company.

Borrow money.

§ 2. This act shall take effect from and after its passage, and shall be deemed a public act, and shall receive a favorable construction in all courts.

APPROVED February 16, 1865.

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AN ACT to incorporate the Illinois Mining and Oil Company.

In force Feb. 16,  
1865.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That Cornelius Price, James P. Burtis, Henry M. Shepard, Ambrose M. Miller and Eli S. Hart, and their associates, successors and assigns, be and they hereby are created a body politic and corporate under the name and style of "The Illinois Mining and Oil Company," with perpetual succession, and with all the privileges and immunities incident to a corporation; and shall have power to contract and to be contracted with, to sue and be sued in all courts and places; to organize such company by the appointment of a president and such other officers as they may deem necessary; to make such by-laws, rules and regulations as they may deem necessary from time to time for the government and management of said corporation and its affairs and for the prosecution of its business; to have a corporate seal, and to alter the same; to dig, bore and mine for coal, iron and other minerals, for salt water, coal oil and petroleum, and to manufacture, sell and transport the same and the products thereof; and to carry on the cooperage business; and shall have all other powers necessary and adequate to carry out the objects of said corporation and to promote the prosecution of its business. The office of said company shall be*

Corporators.

Name and style.

Powers.

Privileges.

Office.

at the city of Chicago, but said company shall have no power of condemnation within the limits of said city.

Hold property. § 2. The said company may receive in payment of its capital stock, and may lease, buy and hold such personal property, real estate, interests in land, mining rights and rights of way, in this state and elsewhere as may be deemed advantageous or necessary by them, to promote their interest and to the successful prosecution of their business.

Wagon and plank roads. § 3. The said company shall have power to lay out, construct and operate such wagon ways, plank roads, railroads and appurtenances thereto on and from the lands of said company, as they may deem proper to transport their property.

Agents. § 4. Said corporation may appoint and employ such agents as may be required by them, and define the powers and prescribe the duties of such agents.

Capital stock. § 5. The capital stock of said corporation shall be one million dollars, with power to increase the same to any sum not exceeding fifteen hundred thousand dollars, which shall be divided into equal shares of such an amount as said company may decide.

§ 6. Said corporation may borrow money, at such interest as they may deem proper, and pledge its property for the payment of the same.

Banking or insurance prohibited. § 7. Nothing herein contained shall be so construed as to authorize said corporation to issue bank bills, policies of insurance, or to engage in the business of banking or insurance.

§ 8. The said corporation shall organize under this act within one year from the first day of March, A. D. 1865, and this act shall take effect and be in force from and after its passage.

APPROVED February 16, 1865.

In force Feb. 16,  
1865.

AN ACT to incorporate the Illinois Petroleum and Mining Company.

Corporators.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly.* That Samuel Stevenson, George H. Dieckmann, William Newbern, John Greathouse, Miles Waterman, Charles G. Smith, B. W. Henry and Isaac B. Hume, their associates, successors, and heirs and assigns be and they are hereby created a body politic and corporate, with perpetual succession, by the name and style of "The Illinois Petroleum and Mining Company;" and by that name they and their successors shall be capable of suing and being sued, defending and being defended, of contracting and being contracted with,

Name and style.

Powers.

in all courts and places, and in all matters whatsoever; with full power to acquire, hold, occupy and enjoy all such personal and real property or estate as they may deem necessary and proper for the construction, extension and usefulness of the business of said company, and for the management and good government of the same; may adopt such by-laws and regulations as they may deem proper, and they may have a common seal, and the same may be altered, broken, defaced and renewed at pleasure.

§ 2. The capital stock of said company shall not exceed one hundred thousand dollars, to be divided into shares of fifty dollars each, to be subscribed and paid for in such proportion 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 election of officers, artificers and agents to be employed, the number and election of directors, and all such matters as appertain to the concerns of said company. Capital style.

§ 3. *Be it further enacted*, that the objects of this corporation shall be restricted to boring and mining for coal, minerals and petroleum, and the provisions of this act are to be construed only to encourage such objects; and this act shall be a public act and be in force and take effect from and after its passage. Restriction.

APPROVED February 16, 1865.

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AN ACT to incorporate the Illinois Petroleum and Mining Company.

In force Feb. 16,  
1865.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That George F. Harding, Warrick Martin, Rodney M. Whipple, Joseph T. Brooks and George W. Martin, and such other persons as may associate with them for that purpose, be and the same are hereby made a body politic and corporate, by the name and style of "The Illinois Petroleum and Mining Company," with perpetual succession, and by that name and style may contract and be contracted with, sue and be sued, have a common seal, which they may alter and revise at pleasure, and may have and exercise all the rights, privileges and immunities which are or may be necessary to carry into effect the purposes and objects of this act as the same are herein set forth. Corporators.  
  
Name and style.

§ 2. The said company shall have power and authority to receive, take and hold all such voluntary grants and donations of land and real estate as may be made to said company, for the purpose aforesaid, and may contract and agree Seal.  
Powers.  
  
May hold property.



with the owners and occupiers of any land which may be necessary for such purposes, or which said company may desire to use in connection therewith, in order to carry out the objects of its organization; and said company is authorized and empowered to receive and take grants and conveyances of all interests and estates in such lands to them and their successors and assigns, in fee or otherwise; and may dig for coal or other minerals in and upon the said lands, or upon any lands which said company may acquire for that purpose; and may dig or bore for oil, or other oleaginous substances in and upon such lands, and may sell and dispose of such lands, minerals, oils and other products of said company: *Provided, however,* that the principal office of said company shall be located at the city of Chicago, in the county of Cook, in the State of Illinois.

Capital stock.

§ 3. The capital stock of said company shall be five hundred thousand dollars, with the privilege of increasing the same amount, not exceeding one million dollars, as shall be determined by the said company, which said stock shall be deemed personal property, and shall be divided into shares of one hundred dollars each, and may be issued to such persons and corporations and certified, transferred, and registered in such manner and in such places as may be ordered and provided for by the board of directors, who shall have power to require the payment for the stock subscribed in the manner, at the time and on such terms as they may direct, and the same may be paid for in the real estate or in personal property, under the direction of said board of directors. On the refusal or neglect of any stockholder to make payment on the requisition of the board of directors, the share or shares of such delinquent, may, after thirty days public notice in one of the daily newspapers of Chicago, be sold at public auction, under such rules as the directors may adopt. The surplus money realized from such sale, after paying the amount due upon such stock, with interest and costs of sale, shall be paid to the delinquent stockholder.

Directors.

§ 4. The corporate powers of said company shall be vested in and exercised by a board of directors, to consist of not less than five nor more than nine in number, and such other officers and servants as they shall appoint. The first board of directors shall consist of George F. Harding, Warrick Martin, Rodney M. Whipple, Joseph T. Brooks and George W. Martin. Vacancies in said board may be filled by a vote of two-thirds of the directors remaining; such appointees to continue in office until the next regular annual election of directors, and which said annual election shall be held on the third Monday of January in each year, at such place as the directors may appoint, thirty day's notice being given in one newspaper printed in Chicago, of the time and place of such election.

Vacancies.

§ 5. At any election of directors each share of stock shall be entitled to one vote, to be given either in person or by proxy; and the person receiving the largest number of votes to be declared duly elected, and to hold the office until the next annual election, and until their successors shall be duly qualified; and if for any cause the annual election shall fail, the company shall not be dissolved, but the directors in office shall continue to hold their office until an election is had and their successors are qualified. Proxy vote.

§ 6. The directors herein named shall organize their board, by electing one of their number president, and by appointing a secretary and treasurer. The said company shall have power to make, ordain and establish by-laws, rules and regulations necessary to fulfill the purposes and carry into effect the provisions of this act, and for the well ordering and securing the affairs, business and interests of the company: *Provided*, the same shall not be repugnant to the constitution and laws of the United States or of this state. Officers.

§ 7. Said company is hereby authorized to erect any building, or maintain and operate any machinery which may be required, upon any land owned or occupied by them, for the purposes provided in this act.

§ 8. The said company is hereby authorized from time to time, to borrow such sums of money as it may deem expedient, and to issue and dispose of their bonds therefor in denominations of not less than one hundred, and bearing such rate of interest, not exceeding ten per cent., as the company shall deem expedient, and to secure the payment of the same, may execute a mortgage or deed of trust of all its property of every description in possession, or to be acquired with such terms, stipulations and conditions as may be deemed expedient. Borrow money.

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

APPROVED February 16, 1865.

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AN ACT to incorporate the Illinois Valley Coal Company.

In force Feb. 15,  
1865.

[SECTION 1.] *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That John L. Scripps, Edward Hempsted, George Shufeldt, T L. Sidway and Edward Daniels, their associates, successors and assigns, be and hereby are constituted a body corporate and politic, by the name and style of "The Illinois Valley Coal Company," for the term of fifty years, with power to contract and be contracted with, sue and be sued in that name, in all courts and places; to have a common seal; to engage Corporators.

Body corporate.

Powers and privileges.

in the mining of coal and other minerals, and in the manufacture and sale of coke, fire-brick and other products of lands owned by them; to hold their meetings within or without the state, and to have all powers needful for the successful prosecution of their business, and for the execution of the powers herein granted.

Officers. § 2. That the said corporators, or any three of them, shall have power to organize said company by the appointment of a president and such other officers and managers as they may deem necessary, at such time and place as they may designate by notice previously given; and when thus organized, shall have power to make such by-laws as they may deem necessary from time to time, for the government of the said company, not inconsistent with the constitution and laws of this state and of the United States.

By laws. Capital stock. § 2. The capital stock of this company shall be three hundred thousand dollars, which may be increased to five hundred thousand dollars.

Note assignable. § 4. The president and other officers of said company shall issue certificates of stock to the holders thereof, which certificate shall be assignable or transferable only in such manner and such places as the by-laws shall prescribe.

Boats and cars. § 5. The said company may buy, build and own boats and cars, and may dispose of their property or any part of it, by sale or otherwise. They may receive real estate on payment of such part of the subscription as they may deem advisable; and shall have the right to hold such real estate, mining rights, and rights of way as may be necessary for the prosecution of their business.

Borrow money. § 6. That it shall be lawful for said company to borrow money, and pledge or mortgage its property as security, on such terms as may be agreed upon.

§ 7. That this act shall not be construed so as to infringe upon any other incorporated company in this state.

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

APPROVED February 15, 1865.

In force Feb. 16,  
1865.

AN ACT to incorporate the Kankakee Coal Company.

Corporators. SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That G. D. A. Parks, John H. Daniels, William H. Odell, James G. Strong and Richard P. Morgan, jr., their associates and successors be and hereby are constituted, a body corporate and politic, under the name and style of "The Kankakee Coal Company," with perpetual succession, and with power by that*

Name and style.

name to contract and be contracted with, sue and be sued; Powers.  
 to have a common seal and to alter the same at pleasure; to  
 take and hold, by purchase or lease, lands in the county of  
 Will, Grundy and Livingston, for the purpose of mining  
 and transporting coal to home and foreign markets; with  
 power to sell and convey the same or any part thereof; and  
 moreover, to appoint all necessary agents and officers, and  
 to make such by-laws and regulations for the more thorough By-laws.  
 organization of said company, and the prosecution of its  
 business, within the meaning of this act: *Provided*, said Proviso.  
 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 stock, buildings and machinery, as may be neces-  
 sary for the purpose of mining, transportation and sale of  
 coal, in pursuance of the powers and privileges granted by  
 this act.

§ 2. The capital stock of this company shall be two hun- Capital stock.  
 dred thousand dollars, divided into shares of one hundred  
 dollars each, with power, by vote of the stockholders at a  
 meeting duly called, to increase the said capital stock to any  
 amount not exceeding one million dollars.

§ 3. The first meeting of said corporation may be called First meeting.  
 by the persons named in this act, or any two of them, at  
 such time and place as may be selected within Will, Grun-  
 dy or Livingston counties, and at such meeting, provided  
 fifty thousand dollars to the capital stock shall have been  
 subscribed, a board of directors shall be chosen from among  
 the stockholders; each stockholder, for such purpose, giving  
 one vote for every one hundred dollars of stock subscribed  
 by him. And such board of directors shall take charge of  
 the operations of the company, subject to such rules and  
 regulations as may be adopted by the stockholders. The  
 said board of directors shall consist of not less than three  
 nor more than five, and shall hold office for one year or un-  
 til their successors are appointed; and shall appoint from Officers.  
 among themselves a president, and treasurer, and may adopt  
 such by-laws and regulations for the government of the con-  
 cerns of the company as they may deem expedient, not in-  
 consistent with the rules made by the stockholders aforesaid,  
 nor with the laws of this state.

§ 4. The company shall have power to construct rail- Powers.  
 roads from their coal mines to any part of the counties afore-  
 said, and to connect with any internal navigation or railroads  
 therein.

§ 5. The right of way for said road or roads to be con- Right of way.  
 structed under this act, as also for buildings, landings and de-  
 pots, may be obtained by said company, either by purchase,  
 gift or grant, or in the mode prescribed by an act of the  
 state of Illinois, entitled "An act to amend the law con-



denning the right of way for purposes of internal improvements, approved June 22, 1852."

Borrow money.

§ 6. The said company are hereby authorized, from time to time, to borrow money upon bonds issued for that purpose; said bonds bearing interest at a rate not exceeding ten per cent.; and to secure the same, may execute one or more mortgages, upon all or any part of the property and franchises of said company, which said mortgage or mortgages being duly acknowledged and recorded in the said counties of Will, Livingston and Grundy, as the case may be, shall be valid and effectual liens upon the property of the said company to the extent and for the purposes, for which they were executed.

Stock assignable.

§ 7. The said company shall issue certificates of stock to holders thereof, which certificates shall be assignable or transferable only in such manner and at such places as the said company shall by their by-laws prescribe; but no stock shall be transferred by any person, until all the debts and demands of the company against such person shall first have been paid and discharged; and for all such debts and demands, the company shall have and hold a lien on the stock of such person, until the same are fully paid.

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

APPROVED February 16, 1865.

In force Feb. 16,  
1865.

AN ACT to incorporate the Lincoln Coal, Wood and Lumber Company.

Corporators.

Name and style.

Powers.

Capital stock.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly.* That James T. D. Elliott, Ambrose M. Miller, Abram Mayfield and David Tittler, and their associates, successors and assigns, be and they are hereby created a body politic and corporate, under the name and style of "Lincoln Coal, Wood and Lumber Company," for the term of fifty years; with power to contract and be contracted with, sue and be sued in that name in all courts and places; to have a common seal and to change the same at pleasure; to engage in the transportation of coal, wood and lumber; to buy and sell the same; to mining in the county of Logan on lands owned by the said company; to have all powers needful for the prosecution of their business and for the execution of the powers herein granted.

§ 2. The capital stock of said company may not exceed two hundred thousand dollars, and shall be divided into

shares of one hundred dollars each, which shall be deemed personal property.

§ 3. That the said James T. D. Elliott, Abram Mayfield, Officers.  
Ambrose M. Miller and David Tittler, or a majority of them,  
shall have power to organize said company, by the election  
or appointment of a president and such other officers as they  
may deem necessary. They and their successors shall have By-laws.  
power to make such by-laws, rules and regulations, as they  
may deem necessary for the government and management  
of said company, not inconsistent with the constitution and  
laws of this state, and of the United States.

§ 4. The president and other officers may issue certifi- Evidence of  
cates of stock to the owner or holders thereof, which certifi- stock.  
cates shall be assignable or transferable, only in such man-  
ner and at such places, as shall be designated in the by-laws  
of said company.

§ 5. It shall be lawful for the president and managers Borrow money.  
of said company, from time to time, to borrow money for  
the use of said company, and pledge or mortgage any of the  
estate, improvements and assets whatsoever of said company,  
for the payment of such money, so borrowed, and for the  
interest thereon, at such times and places as may be agreed  
on.

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

APPROVED February 16, 1865.

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AN ACT to amend an act entitled "An act to incorporate the Madison In force Feb. 15,  
County Coal Company," approved February 13, 1857. 1865.

SECTION 1. *Be it enacted by the People of the State of*  
*Illinois, represented in the General Assembly,* That the Mad- Extension of  
ison County Coal Company, shall have full power and road.  
authority to extend its railroad, constructed from the Mis-  
sissippi river to the St. Louis, Alton and Terre Haute rail-  
road, below Wood river, from the place where said railroad  
joins the said St. Louis, Alton and Terre Haute railroad,  
eastwardly to the bluffs, and to any coal lands which said  
company may hereafter acquire; and also to transport  
freight and passengers on the same: *Provided*, that the Proviso.  
right to transport freight and passengers over the road of  
said company, shall be subject to such limitations, in rela-  
tion to tariffs or freights and fare of passengers as shall here-  
after be imposed by general laws.

§ 2. The said coal company shall have full power and Right of way.  
authority to acquire the right of way for such extension of  
its said railroad and the necessary station and depot grounds,

either by purchase or condemnation, in the same manner as is provided in the act to which this is an amendment, the grounds for said right of way not to exceed a strip one hundred feet in width.

Proviso.

§ 3. The said company shall have full power to construct the said extension of its said railroad across the track and right of way of the said St. Louis, Alton and Terre Haute railroad, or any other railroad now constructed, and if necessary to condemn land for that purpose: *Provided*, that said crossing shall be made so as not to obstruct the running of the trains on the railroad so crossed.

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

APPROVED February 15, 1865.

In force Feb. 16, 1865. AN ACT to incorporate the Ohio and Mississippi Valley Petroleum and Mining Company.

Corporators.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That Charles W. Dimmock, J. C. Pierce, Manly Morse, James N. Morgan, E. B. Andrews, Alex. Milne, A. N. Hill, George W. Brackett, John B. Bowman, Amada Vallee, 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, under the name and style of "The Ohio and Mississippi Petroleum and Mining Company," with power to contract and be contracted with, sue and be sued in all courts and places, to have a corporate seal, and to alter the same at pleasure; to dig, bore, mine and excavate for petroleum, coal, rock or carbon oil, or other valuable mineral or volatile substances, and to manufacture, sell and transport the products thereof, and to carry on the cooperage business; and with all other powers necessary and adequate to promote the prosecution of their business.

Powers.

Hold real and personal estate.

§ 2. The said company may receive, lease, buy and hold such real and personal estate, mining and boring rights, and rights of way, as may be deemed necessary by them for the successful prosecution of their business.

Roads.

§ 3. The said company shall have power to lay out and construct such wagon ways, plank roads, railroads and appurtenances thereto, on and from the lands, and lease-hold of said company as they may deem proper to transport their property.

Agents.

§ 4. The said company may employ and appoint such agents as may be required by them, and define the powers and prescribe the duties of such agents.

§ 5. The capital stock of said company shall be three hundred thousand dollars, with power to increase it to any sum not exceeding one million dollars, to be subscribed and paid for as the directors of said company may order, and shall be divided into shares of fifty dollars each, which shall be deemed personal property, and shall be transferable on the books of the company in such manner as its by-laws may prescribe. Capital stock.

§ 6. The affairs of said company shall be managed by a board of directors of seven persons, who shall be stockholders in the same; they shall be elected by the stockholders of the company. The first election shall take place when one hundred thousand dollars of capital stock shall be subscribed. Any five of the corporators herein named, shall be commissioners to open books for the subscription of stock. The money so received by the commissioners shall be paid over to the directors when elected. The directors shall be elected annually, and shall hold their office until their successors are elected and organized; they shall elect from their own body a president, who shall perform such services and have such powers, as shall be conferred on him by the by-laws of said company. Any vacancy in the board may be filled by a majority of the directors, and, in the absence of the president, a president *pro tem* shall be elected. The board of directors shall make and execute such by-laws as may be necessary for the prosecution of the business of the company not inconsistent with this act, or with the laws of the land, and all the acts of the duly appointed officers and agents of the company done and performed under authority of the by-laws, shall be binding on the company. Directors.  
First board.  
Annual election.  
Vacancy.

§ 6. After the election of directors, as aforesaid, the company may commence its business in the full enjoyment of the privileges of this act, at such place or places in the state as the directors may designate.

§ 7. The said company is and shall be permitted to negotiate a loan or loans of money at such interest as they may deem proper, and to pledge all of their property, real and personal, and all their rights, credits and franchises, for the payment of the same. And this act shall take effect from and after its passage. Borrow money.

APPROVED February 16, 1865.



In force Feb. 16,  
1855.

AN ACT to incorporate the Morris Coal and Oil Company.

Corporators.	SECTION 1. <i>Be it enacted by the People of the State of Illinois, represented in the General Assembly,</i> that John V. Farwell, C. H. Gould, D. D. Spencer and J. W. Woodrow, their associates, successors and assigns, be, and they are hereby constituted a body corporate and politic, by the name and style of "The Morris Coal and Oil Company," with power to contract and be contracted with, sue and be sued in that name, in all courts and places; to have a common seal; to engage in the mining of coal, iron, salt and other minerals, and in the manufacture of and sale of salt, iron, lime and other products of lands now owned, or hereafter to be owned, by them, in the counties of Grundy and Will, and in the transportation of the same, or any of them, to home or foreign markets; to connect their works with the Illinois and Michigan canal with the Illinois river, or with any railroad now built or hereafter to be built, by plank road, or otherwise, with the privilege of obtaining right of way for same under existing laws; providing for obtaining right of way for purposes of internal improvement, approved June 22, 1852; to hold their meetings within or without the state, and to have all powers needful for the successful prosecution of their business, and for the execution of the powers herein granted.
Name and style.	
Powers.	
Privileges.	
Officers.	§ 2. That the said corporation, their associates and assigns, shall have power to organize said company by the appointment of such officers as they may deem necessary; to make all by-laws, rules and regulations as they may deem necessary, from time to time, for the government and management of said company not inconsistent with the constitution and laws of this state or of the United States.
By-laws.	
Capital stock.	§ 3. The capital stock of the said company shall be one hundred thousand dollars, with power to increase the same to five hundred thousand dollars, to be divided into shares of one hundred dollars each.
Stock assignable	§ 4. The president and other officers or managers of said company, shall issue certificates of stock to the holders thereof; which certificates shall be assignable only as the by-laws of said company may direct.
Boats.	§ 5. The said company may build, buy and own boats for carrying on their business, and may dispose of any or all of their property, as they may see fit. They may receive real estate on payment of any part of the subscription to the stock of said company.
Borrow money.	§ 6. That it shall be lawful for the president and managers of the said company, from time to time, and at all times, to borrow money, or obtain on loans such sums of money, and on such terms, not exceeding ten per cent. interest, as they may deem expedient for the use of said com-

pany, and to pledge or mortgage any or all of their property for the repayment of said money so borrowed.

§ 7. That this act shall take effect and be in force from and after its passage: *Provided*, that if the corporation shall not organize within one year from the passage of this act, and commence business, as contemplated by this act, then this act shall be null and of no force whatever. Proviso.

APPROVED February 16, 1865.

AN ACT to incorporate the National Lead Company.

In force Feb. 16,  
1865.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That A. C. Badger, D. P. Faulds, George W. Van Boskirk, W. W. Hilton and O. F. Badger, their associates and successors, are hereby constituted and appointed a body corporate and politic, by the name and style of the "National Lead Company of the State of Illinois," and by that name may sue and be sued, plead and be impleaded, and answer and be answered unto in all courts of law and equity; may have a common seal, and the same alter at pleasure; and may enjoy all the privileges incident to corporations for the purpose of mining, smelting or manufacturing zinc, copper and lead, and the ores of said metals, in the state of Illinois. Corporators.  
Name and style.

§ 2. Said corporation shall have power to purchase, hold and convey real estate: *Provided*, that the cost of the real estate held by the said company, at any one time, shall not exceed two hundred and fifty thousand dollars. Seal.  
Privileges.  
Proviso.

§ 3. The first meeting of said corporation may be called by the persons named in this act, or by a majority of them, at such time and place as they shall designate, and at such meeting, and at all other meetings duly notified, said corporation may make and alter such by-laws, rules and regulations, for the management of the business of said corporation, as a majority may direct, not repugnant to the laws of the United States or of this state. By-laws.

§ 4. Said corporation may divide their stock into as many shares, and provide for the sale and transfer thereof, in such manner as said corporation shall from time to time deem expedient. Shares.

§ 5. This act is hereby declared to be a public act, and the same shall be construed favorably in all courts and places whatsoever, and the same shall take effect and be in force from and after its passage.

APPROVED February 16, 1865.

In force Feb. 16,  
1865.

AN ACT to incorporate the Ottawa Petroleum and Mining Company.

Corporators.	SECTION 1. <i>Be it enacted by the People of the State of Illinois, represented in the General Assembly,</i> That John V. A. Hoes, Richard Thorne, George Arry, John F. Nash, Lorenzo Leland, John D. Caton, A. B. Smith, John B. Rice, 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, under the name and style of the "Ottawa Petroleum and Mining Company,"
Name and style.	with power to contract and be contracted with, sue and be sued, in all courts of law and equity in this state; to have a corporate seal, and to alter the same at pleasure; to dig, bore, mine and excavate for petroleum, coal, rock or carbon oil, salt, or other valuable minerals or volatile substance, and to manufacture, sell and transport the products thereof, and to carry on the cooperage business, and with all other powers necessary and adequate to promote the prosecution of their business.
Powers.	
Hold property.	§ 2. The said company may receive, lease, buy and hold such real and personal estate, mining and boring rights, and rights of way, as may be deemed necessary by them to the successful prosecution of their business.
Agents.	§ 3. The said company may employ and appoint such agents as may be required by them, and define the powers and prescribe the duties of such agents.
Capital stock.	§ 4. The capital stock of said company shall be fifty thousand dollars, with power to increase the same to any sum not exceeding five hundred thousand dollars, to be subscribed and paid for as the directors of said company may order, and shall be divided into shares of fifty dollars each, which shall be deemed personal property, and shall be transferable on the books of the company in such manner as its by-laws may prescribe.
Directors.	§ 5. The affairs of said company shall be managed by a board of directors of five persons, who shall be stockholders in the same; they shall be elected by the stockholders of the company; the first election shall take place when five thousand dollars of capital stock shall be subscribed. Any five of the corporators herein named shall be commissioners to open books for the subscription of stock; the money so received by the commissioners shall be paid over to the directors when elected. The directors shall be elected annually, and shall hold their office until their successors are elected and organized; they shall elect from their own body a president, who shall perform such services and have such powers as shall be conferred on him by the by-laws of said company; any vacancy in the board may be filled by a majority of the directors, and in the absence of the president a president <i>pro tem.</i> shall be elected. The board of directors shall make and execute such by-laws as may be necessary
First election.	
Officers.	

for the prosecution of the business of the company, not inconsistent with this act, or with the laws of the land; and all the acts of the duly appointed officers and agents of the company, done and performed under authority of the by-laws, shall be binding on the company.

§ 6. After the election of directors, as aforesaid, the company may commence its business in the full enjoyment of the privileges of this act, at such place or places in the state as the directors may designate.

§ 7. The said company is and shall be permitted to ne- Borrow money.  
gotiate a loan or loans of money, at such interest as they may deem proper, and pledge all of their property, real and personal, and all their rights, credits and franchises for the payment of the same.

§ 8. The said company shall, without unnecessary delay, prosecute the work for which it is hereby created.

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

APPROVED February 16, 1865.

AN ACT to incorporate the Pontiac Coal Company.

In force Feb. 16,  
1865.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in [the] General Assembly,* That Jonathan Duff, Wm. B. Lyon and Nelson Buck, and their asso- Corporators.  
ciates, successors and assigns, be and they are hereby created a body politic and corporate, under the name and style of "The Pontiac Coal Company," with power to contract Name and style.  
and be contracted with, sue and be sued, to organize such Powers and privileges.  
company by the election of a president and such other officers as they may deem necessary; to have a corporate common seal, and to alter the same; to make such by-laws, rules and regulations as they deem necessary, from time to time, for the government, management and prosecution of the business of said company; to dig, bore and mine coal, oil or other articles, the product of their mines; to sell and transport the same when mined, and with all the powers necessary to promote the prosecution of their business.

§ 2. The said company may receive, buy and hold such May hold property.  
real estate, mining rights, and rights of way, as may be necessary by them to the successful prosecution of their business.

§ 3. The said company shall have power to lay out and Roads.  
construct such wagon ways, plankroads, branch railroads or side tracks to the Chicago and Alton railroad, (with the consent of said railroad company,) with all the appurtenances



thereto, on or from the lands of said coal company, as they may deem proper to transport their property.

Agencies.      § 4. The said company may employ and appoint such agents as may be required by them, and define the powers and prescribe the duties of such agents.

Capital stock.      § 5. The capital stock of said company shall be ten thousand dollars, with power to increase the same to one hundred thousand, and divided into shares of fifty dollars each, and holders of stock shall be allowed one vote for each share.

Commissioners  
to open books.      § 6. Jonathan Duff, William B. Lyon and Nelson Buck, as commissioners, are hereby authorized to open books and receive subscriptions to the capital stock of said company, and as soon as one hundred shares shall be subscribed to said capital stock, the said commissioners, or a majority of them, shall notify said stock subscribers of the time and place of meeting to organize said company.

Payment of  
stock.      § 7. Said company shall be permitted to receive and accept mortgages on real estate at such value as the company shall decide, to secure the payment of any stock subscribed for.

Borrow money.      § 8. It shall be lawful for said company to borrow or obtain on loan, any sums of money, and on such terms as they may deem expedient for said company, and issue notes or bonds for the same, secured by mortgages on the real estate of the company, or otherwise.

§ 9. This act shall take effect from and after its passage.  
APPROVED February 16, 1865.

In force April 18, 1865. AN ACT to incorporate the Rock Island Petroleum and Mining Company.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That Cornelius Lynde, jr., Ira O. Wilkinson, Jerome J. Beardsley and Lucius B. Otis, their associates, successors and assigns, be and they hereby are created a body corporate, with perpetual succession, by the name and style of "The Rock Island Petroleum and Mining Company," and by that name may sue and be sued, plead and be impleaded, contract and be contracted with, with full power to acquire, hold and enjoy such property, real and personal, as they may deem proper to promote the objects of said incorporation, and sell and dispose of the same; with power to use a corporate seal, and alter the same at pleasure; to engage in mining and boring and excavating the earth, upon the lands of said company, in the county of Rock Island, or such other lands as said company may obtain license therefor in said county, for the*

Corporators.

Name and style.

Powers.

purpose of discovering minerals, petroleum or coal oil, and working, obtaining, acquiring, transporting and marketing the same, by agents or otherwise, as said company may deem best.

§ 2. Said company may enter upon the business aforesaid when the sum of ten thousand dollars shall have been subscribed as capital stock, and may from time to time increase said capital stock to the amount of five hundred thousand dollars.

§ 3. The persons herein named as incorporators, with or without associates, may make such by-laws as may be deemed necessary for the prosecution of the business aforesaid, not inconsistent with the laws and constitution of this state and of the United States. By-laws.

§ 4. The directors of said company shall consist of not less than three nor more than seven, and shall be stockholders, elected annually by the stockholders thereof, at such time and place as may be prescribed in the by-laws. Directors.

§ 5. Said company is hereby authorized to borrow money for the purpose of carrying on the business thereof, and for that purpose may issue bonds or other evidences of indebtedness, and secure the same by mortgage or otherwise upon the real or personal estate of said company. Borrow money.

APPROVED February 16, 1865.

AN ACT to amend an act to incorporate the Ohio River Saline Coal Mining and Manufacturing Company, approved January 16, 1855. In force Feb. 13, 1865.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the Ohio River Saline Coal Mining and Manufacturing Company, now represented by George Escol Sellers as president, and Philip M. Price and Frederick H. Sellers as directors, they or their successors, be empowered to change the name of said company to "Arundin Manufacturing and Mining Company." Name changed.

§ 2. The company shall have the power to prepare for market and for use, vegetable fibre, and such other products as can be manufactured from the various substances resulting from the preparation of the fibre, and to manufacture paper and textile fabrics. Powers.

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

APPROVED February 13, 1865.

In force April 15, 1865. AN ACT to enable purchasers of the property of the Saline Coal and Manufacturing Company, sold under foreclosure or other proceeding in law or equity, or pursuant to the provisions of mortgages or deeds of trust, to organize a corporation, and to exercise corporate and other powers.

Preamble.

WHEREAS the objects of the corporation herein provided for cannot be attained under any general law of this state,

Corporation,  
how formed.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the purchaser or purchasers at any sale of the property, or any part thereof, of the Saline Coal and Manufacturing Company, a corporation existing under and by virtue of the laws of this state, by virtue of any mortgage or mortgages, or deed or deeds of trust, or other instrument made or executed by the said Saline Coal and Manufacturing Company, or any of its officers, either by foreclosure or other proceeding in law or equity, or by advertisement, pursuant to any power or authority in such mortgage or mortgages, deed or deeds of trust, or other instruments contained, or his or their survivors or survivor, and their or his associates, successors or assigns, may form a corporation by filing in the office of the secretary of state a certificate, under his or their signature, specifying the name of such corporation, the number of directors, the names of the first directors and the period of their service, the amount of the capital stock of the company so to be formed, and the number of shares into which such capital stock is to be divided; a copy of which certificate, attested by the signature of the secretary of state, or his deputy, shall, in all courts and places, be evidence of the existence of the said corporation, and of the facts in the said certificate stated; and the said purchaser or purchasers, or their survivor or survivors, and their or his associates, successors or assigns, may convey such property as aforesaid, to the said corporation, and such conveyance shall be effectual, to vest in the said corporation an indefeasible estate of inheritance in the same, subject only to incumbrances prior in lien to those under which the said sale shall have been made.

Name and style.

§ 2. When the certificate shall have been filed as aforesaid, the persons who shall have signed the same, shall be a body politic and corporate, by the name stated in such certificate. Such corporation shall have all the rights, powers, privileges, advantages and franchises which were conferred upon the said Saline Coal and Manufacturing Company by an act entitled "An act to incorporate the Saline Coal and Manufacturing Company," approved January 28, 1851, and, also, by an act to amend an act entitled "An act to incorporate the Saline Coal and Manufacturing Company," approved July 15, 1854; and, in addition thereto, may issue capital stock to such aggregate amount as shall be named in the said certificate, of which, such amount as the board of directors may deem advisable, may be stock preferred over other stock of said company, upon such terms as the said

Powers and  
privileges.

Capital stock.

board may determine; may mortgage, lease, sell, convey, or otherwise dispose of any real estate, mining rights, or rights of way; may construct and maintain railroad and other bridges over the Saline river, upon the said company's land, and lay railroad tracks upon any of the same: *Provided*,<sup>Proviso.</sup> that no such bridge shall be so constructed as to prevent free passage of all boats or water crafts that may navigate said river; may sell or dispose of their bonds at such prices and in such manner as they may deem proper; may include in any mortgage or mortgages, or deed or deeds of trust, all franchises held by them; which said franchises, in case of sale, by virtue of any such mortgage or mortgages, or deed or deeds of trust, are hereby declared to pass to the purchasers or purchaser, so as to enable them or him to form a corporation in the manner herein prescribed, and to vest in such corporation all the powers, privileges and franchises conferred by this act. The officers or directors of the corporation to be formed under this act may reside within or without this state.

§ 3. It shall be lawful for the said corporation, so to be formed, to redeem the property described or included in any mortgage or mortgages, or deed or deeds of trust, heretofore or hereafter made by the said Saline Coal [and] Manufacturing Company, at any time before the sale, by virtue thereof, by paying to the grantee or grantees named in such mortgage or mortgages, or his or their executors, administrators or assigns, or to the trustee or trustees named in such deed or deeds of trust, or his or their successors or successor, the sum of money secured by such mortgage or mortgages, or deed or deeds of trust, with interest thereon, at the rate therein mentioned, and the costs, if any, necessarily incurred thereon, and from any sale, by virtue of any execution, within twelve months from such sale, by paying to the purchaser or purchasers thereof, his or their executors, administrators or assigns, or to the sheriff or other officer who sold the same, for the benefit of such purchaser, the sum of money which may have been paid on the purchase thereof, or the amount given or bid, if purchased by the plaintiff in the execution, together with interest thereon, at the rate of ten per centum per annum from the time of such sale; and on such sum being made as aforesaid, the said sale and the certificate thereupon granted shall be null and void; and it shall be the duty of the purchaser, sheriff, master in chancery, or other officer or person from whom such redemption takes place, to make out an instrument, in writing, under his hand and seal, evidencing said redemption, which may be recorded in the recorder's office of the proper county, in manner as other writings affecting title to real estate are filed and recorded, which recording shall be paid for by the party redeeming.

Redemption of  
Property.



§ 4. In case of the sale by the said company of not less than five thousand acres of the real estate herein mentioned, the purchaser or purchasers thereof, or his or their survivor or survivors, or their or his associates, successors or assigns, may form a corporation, in the manner prescribed in this act, and the said corporation shall have all the rights, powers, privileges, advantages and franchises conferred by this act, so far as the same shall be applicable thereto.

Mortgaged property.

§ 5. Whenever, in the opinion of the board of directors, it may become necessary or advisable to pay off and discharge any mortgage or incumbrance now existing against the said property, or any part thereof, or any taxes thereupon, or to redeem the said property, or any part thereof, from any sale or sales on account of any such taxes, mortgages or incumbrances, it shall be lawful for the said board to assess the stock of the company to an amount sufficient to pay off and discharge such taxes, mortgage or incumbrance, giving to each stockholder not less than sixty days' notice, in writing, of such assessment, at his place of residence or business; and in case of the failure of any stockholder to pay the amount of such assessment, when the same shall become due, it shall be lawful for the said board to forfeit the stocks on which such default shall be made, and to hold or reserve the same for the purposes above mentioned. Any stockholder whose stock has been so forfeited, may, in case such stock shall be held by the company, redeem the same within nine months from the date of such forfeiture, upon paying the company such assessment, with interest, at the rate of twelve per cent., per annum; and in case such stock shall have been sold by the company, may redeem the same from the purchaser thereof, or his assigns, within nine months from such sale, upon paying to such purchaser or his assigns the amount of such purchase money, and of any assessment paid by such purchaser or such stock, together with interest thereon, at the rate of twelve per cent., per annum.

Forfeited stock.

§ 6. This act shall be deemed a public act.

APPROVED February 16, 1865.

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In force April 13, 1865. AN ACT to incorporate the Wilmington Coal Mining and Manufacturing Company.

Corporators.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That Archibald J. McIntyre, Benjamin F. Russell and Thomas M. Turner, of Will county, Illinois, and their associates, successors and assigns, be, and they are hereby created a body*

politic and corporate, by the name and style of "The Wilmington Coal Mining and Manufacturing Company," and by that name shall have perpetual 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 means and structures for mining, manufacturing and making any and every kind of articles of coal, iron, wood, metals, wool, cotton, 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 agent not prohibited by law.

Name and style.

Seal.

Powers.

§ 2. The said company may receive, purchase and hold any real estate, lease-hold property, chattels real, mining rights, and personal property, for the purpose of mining and manufacturing, as aforesaid, and preparing for transportation 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 said company shall have power to buy, build and own machinery, boats, houses and other fixtures for carrying on their said business; and may sell and convey their real and personal property, or lease the same or exchange the same for other real and personal property; and may receive real estate and personal property in payment of stock; and shall have power to make and open such wagon ways and railways and appurtenances thereto, either above or below ground, to such points as they may deem expedient; and to draw, indorse and accept bills of exchange, promissory notes or bonds in the prosecution of their business.

Hold real estate.

§ 3. The capital stock of said company shall not exceed five 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 said company for president and directors after the organization thereof, as hereafter provided.

Capital stock.

§ 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 shall deem most appropriate; and as soon as the sum of five thousand dollars shall be subscribed, and forty per cent. paid in, the subscribers to said stock may elect a president and not less than three directors, to manage and transact the business and affairs of said company; at which election each subscriber, either in per-

Open books.

Officers.

son or by proxy, may cast one vote for each share so subscribed.

Organization.

§ 5. When the said sum of five thousand dollars shall have been subscribed to the capital stock of said company, and forty per cent. paid in, the said corporators, or a majority of them, shall forthwith give notice, by publication in some newspaper published in the city of Joliet or village of Wilmington, to the subscribers to said capital stock to meet at such time and place as they may in said notice designate, to organize said company, as provided in section four of this act. And the said president and directors, when elected, shall have power to appoint a secretary, treasurer, as they may deem necessary, and shall define their duties and powers, and make such by-laws, rules and regulations as they may deem necessary for the government and management of the business affairs of said company and its officers and agents, not inconsistent or repugnant to the constitution of the state of Illinois and of the United States. 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. The office of said company shall be at Wilmington.

Annual election.

Certificate of stock.

§ 6. The president and directors shall issue certificates of stock to the owners thereof, which shall be signed by the president and countersigned by the secretary, whenever the same shall be fully paid for; which certificates shall be registered in a book kept for that purpose. Said certificates shall be transferable and assignable in such manner as the president and directors shall by their by-laws prescribe.

Borrow money.

§ 7. It shall be lawful for the president and directors to borrow money, not exceeding the amount of stock actually paid in, on such terms and conditions as they may deem expedient, and to issue bonds for the same, secured by mortgage on the real and personal property of said company or otherwise.

Stock payments.

§ 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 determine, under the penalty of forfeiting all previous payments thereon, and shall give notice of the payments thus required, and of the place and time when and where the same are to be made, and the amount required, at least sixty days previous to the payment of the same, in some newspaper published in the city of Joliet or the village of Wilmington; and if any subscriber to the stock of said company shall fail to meet any such call within the time prescribed by the 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.

Line of road.

§ 9. The said company shall have power to build and construct a railroad from any lands they may own or may



be interested in, townships thirty-three and thirty-two north, range nine (9) east of the third principal meridian, to a point on the west bank of the Kankakee river, and to points on the line of the St. Louis and Chicago railroad, for the purpose of forming connections with said last mentioned railroad.

§ 10 The right of way for said railroad, to be constructed under the provisions of this act, as also for depots, landings on the Kankakee river, may be obtained and held by said company either by purchase, gift or grant, or it may condemn the lands over which said railroad may be laid out, for the purposes of this section designated in the manner prescribed by an act to amend the laws condemning the right of way for purposes of internal improvement, approved June 22, 1852. Right of way.

APPROVED February 16, 1865.

AN ACT to incorporate the Lovejoy Monument Association.

In force Feb. 15,  
1865.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That John H. Bryant, Princeton, Illinois; John A. Andrew, Boston; John Wood, Quincy, Illinois; William C. Bryant, New York City; Francis Gillette, Hartford, Connecticut; Jesse W. Fell, Bloomington, Illinois; Lewis Tappan, Brooklyn, New York; Wait Talcott, Rockford, Illinois; Philo Carpenter, Chicago, Illinois; H. L. Hammond, Chicago, Illinois; A. McFarland, Jacksonville, Illinois; James M. Allan, Geneseo, Illinois; D. L. Hough, LaSalle, Illinois; Mark M. Aiken, Peoria, Illinois; C. S. Colton, Galesburg, Illinois; W. Durley, Hennepin, Illinois; Samuel Wolcott, Cleveland, Ohio; C. D. Colton, Princeton, Illinois; James H. Smith, Princeton, Illinois; Flavel Bascom, Princeton, Illinois; S. B. French, Malden, Illinois, and their successors, be and are hereby created a corporate body, under the name and style of "The Lovejoy Monument Association;" and by that name may sue and be sued, shall have a seal, and exercise all the powers necessary to carry out and effect the purposes of this act. Corporators.

§ 2. The said corporators shall constitute the first board of trustees of the Lovejoy Monument Association; and their division into three equal sections, (each section to retire alternately every year,) heretofore made by the preliminary organization of said association, is hereby ratified and confirmed; and all vacancies in the board, made by such retirement, resignation, disability, death or otherwise, shall be filled by the remaining members of said board. Trustees.



Members.

§ 3. All persons contributing not less than the sum of one dollar to its object, shall be considered members of the association, and be entitled to a diploma or certificate of membership.

Object.

§ 4. The said corporation is created for the purpose of erecting a suitable monument, in honor of the late Owen Lovejoy, to be placed over his remains in Oakland Cemetery, or in the village of Princeton, Bureau county; and shall have power to select and decide upon a plan for said monument, to adopt plans for raising and collecting contributions in aid of its construction and completion, and to contract for the construction of the proposed monument.

Officers.

§ 5. The said board of trustees may organize, by the election of a president, vice-president, secretary, (who may be outside their body,) treasurer, and also an executive committee, together with such other officers or agents as they may deem proper; and they may make and establish such rules and regulations, relating to its meetings and organization, the duties of its officers and agents, and the transaction of its business, as, in their judgment, shall be thought best.

Hold real estate.

§ 6. The said corporation shall have power to hold such real estate, whether acquired by purchase, gift or devise, as may be necessary for the purpose of effecting the purposes hereinbefore mentioned, and also have power to take, receive or hold real estate or personal effects, that may be granted, devised, bequeathed or donated to said corporation, and to sell and convey the same, for the purpose of aiding the erection and care of said monument, or improving the grounds belonging thereto.

Report.

§ 7. The board of trustees shall publish a full account of their proceedings, and of their receipts and expenditures in behalf of said monument, duly certified, as often as once in each year, for the information of the members of the association and the public.

Acts confirmed.

§ 8. The proceedings and organization of the Lovejoy Monument Association, had under articles of association, adopted on the first day of June, A.D. 1864, are hereby confirmed, and shall be treated with like effect as if made by the corporation now created by this act.

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

APPROVED February 15, 1865.

AN ACT to make George Washington Andrews heir-at-law of Edward A. Andrews. In force Feb. 16, 1865.

WHEREAS Edward A. Andrews, of the city of Peoria, found at his door an infant but a few hours old, deserted by its mother; and whereas the said Edward A. Andrews took said infant into his house, nurtured and cared for it, in the same manner as if it was his own child, and named it George Washington Andrews; now, therefore,

Preamble.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the said George Washington Andrews is hereby declared to be the lawful heir of the said Edward A. Andrews, to all intents and purposes, the same as if he had been the natural child of the said Edward A. Andrews, born in lawful wedlock; and it is hereby further enacted, that the said Edward A. Andrews shall have the sole control and custody of the said George Washington Andrews, to the exclusion of all other persons, in the same manner as if he were the natural father and parent of him, the said George Washington Andrews.

Declared heir.

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

APPROVED February 16, 1865.

AN ACT to change the name of Clara Cook to Clara Gavitt, and make her the heir-at law of Sidney Gavitt. In force Jan. 18, 1865.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the name of Clara Cook, an infant, residing with Sidney Gavitt, in McHenry county, be and it hereby is changed to Clara Gavitt, by which last-mentioned name she shall hereafter be known and called.

Name changed.

§ 2. That, in order to establish the relation, in law, of parent and child, between the said Sidney Gavitt and the said Clara, it shall be lawful for him to file and cause to be recorded in the recorder's office of said McHenry county an acknowledgment, as follows, viz: "I, Sidney Gavitt, of the county of McHenry, and state of Illinois, do hereby declare and acknowledge Clara, infant daughter of Captain E. J. Cook, late of Co. D., 95th Regiment Illinois Volunteers, to be and continue in the same relation in law to me, during my life, as though she had been born my own legitimate child, and at my death to be my heir-at-law;" which acknowledgment shall be attested by two witnesses; and upon the filing and recording of which acknowledgment, as aforesaid, and ever afterward, the said Clara shall be deemed, in all relations in law, the legitimate child of the

Acknowledgment filed and recorded.

said Sidney Gavitt, and, at his death, shall hold and possess the same rights of inheritance and distribution, as heir and distributee of his estate, as if she had been born his child in lawful wedlock.

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

APPROVED January 18, 1865.

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In force Feb. 16, 1865, AN ACT to change the name of William Holden to that of Alvan W. Gilbert, and to make him the legal heir of Alvan Gilbert.

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

Name changed.

name of William Holden be and the same is hereby changed to that of Alvan W. Gilbert.

Declared heir.

§ 2. That the said Alvan W. Gilbert is hereby declared and made the legal heir-at-law of Alvan Gilbert, of the town of Rossville, county of Vermilion, and state of Illinois.

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

APPROVED February 16, 1865.

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In force Feb. 16, 1865, AN ACT to change the name of Sarah E. Keplin to Sarah E. Cameron, and to make her heir-at-law of James Cameron.

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

Name changed.

name of Sarah E. Keplin be changed to Sarah E. Cameron.

Declared heir.

§ 2. That the said Sarah E. Cameron shall and is hereby declared to be heir-at-law of James Cameron, and entitled to all the rights that would belong or pertain to her, were she the daughter of said James Cameron.

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

APPROVED February 16, 1865.

AN ACT to change the name of Alta Z. Orr to that of Alta Z. Adams, and to adopt and thereby constitute Alta Z. Adams, George Adams and John Q. Adams the lawful heirs of George Adams and Margery Ann Adams, his wife. In force Feb. 16, 1865.

WHEREAS Alta Z. Orr, a minor orphan child, has been residing with George Adams, and Margery Ann Adams, his wife, residents of the city of Quincy, and state of Illinois, for the past twelve years, and has been supported and educated by the said George Adams and wife, as their own child; and whereas the said George Adams and wife desire to adopt said Alta Z. Orr as one of their legal heirs and representatives, and that, for this purpose, her name may be changed from Alta Z. Orr to Alta Z. Adams; and whereas George Adams, a minor child of Charles Adams, deceased, an orphan of nine years of age, has been residing with and supported by the said George Adams and wife for the past four years, and the said George Adams and wife desire to adopt the said orphan, George Adams, as their own child; and whereas the said George Adams and wife desire to constitute John Q. Adams, son of George Adams by his first wife, the lawful heir and representative of Margery Ann Adams; therefore, Preamble.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the name of Alta Z. Orr, of the city of Quincy, Adams county, Illinois, who has heretofore resided with George Adams, and Margery Ann Adams, his wife, of said city and county, be and the same is hereby changed to Alta Z. Adams, and by the said name of Alta Z. Adams she shall forever be known and called. Name changed.

§ 2. That the said Alta Z. Adams, jointly with George Adams, son of Charles Adams, deceased, and John Q. Adams, son of George Adams by his first wife, shall be and the same are hereby made and constituted legal heirs of said George Adams, and Margery Ann Adams, his wife, with full power and authority to take, hold and enjoy and transmit any and all property, both real and personal, that shall or may descend to them from George Adams and Margery Ann Adams, in the same manner as if they had been the legitimate children of the said George Adams and Margery Ann Adams, born in lawful wedlock. Declared heir.

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

APPROVED February 16, 1865.



In force Feb. 16, 1865. AN ACT to change the name of Jane Thompson Singleton to Minnie Jane Van Veghten, and make her the heir-at-law of Thomas S. Van Veghten.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the name of Jane Thompson Singleton be changed to that of Minnie Jane Van Veghten.

Name changed.

Declared heir.

§ 2. That the said Minnie Jane Van Veghten shall be and she is hereby declared to be entitled to all the rights that would belong or pertain to her were she the daughter of the said Thomas S. Van Veghten.

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

APPROVED February 16, 1865.

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In force Feb. 16, 1865. AN ACT to change the name of Caroline A. Smith to Caroline A. Gorman, and make her heir at law of Thomas G. Gorman and Caroline A. Gorman his wife.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the name of Caroline A. Smith, of Sangamon county and state of Illinois, be changed to Caroline A. Gorman, and she is hereby declared to be the heir at law of Thomas G. Gorman and Caroline A. Gorman his wife, to all intents and purposes, the same as if she were the natural daughter of said Thomas G. Gorman and Caroline A. Gorman.

Name changed.

Declared heir.

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

APPROVED February 16, 1865.

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In force Feb. 16, 1865. AN ACT supplementary to an act entitled "An act to incorporate the Kankakee and Iroquois Navigation and Manufacturing Company," approved February 15, 1847, since changed by act of 1859 to the name of the Kankakee Company.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the said Kankakee company, the better to enable them to carry into effect the purposes of the act to which this act is supplementary, may, at their option, increase their capital stock to such an amount as may be required to cover the cost of constructing all the works authorized by their charter and by the acts amendatory thereof and supplementary thereto.

Increase capital.

§ 2. That said company be and they hereby are authorized, from time to time, to borrow money in such amounts, sum or sums as may be necessary for carrying into effect the purposes of their said charter, and its amendatory enactments, and to issue and dispose of their bonds in denominations of not less than one hundred dollars each, bearing a rate of interest not exceeding eight per centum per annum, for any amount so borrowed, and to mortgage the corporate property and franchise, or convey the same by deed of trust to secure the payment of any debt so contracted; and the directors of said company may confer on any bondholder the right to convert the principal due or owing on any bond so issued into stock of said company, at any time, not exceeding ten years, from the date thereof, under such regulations as said directors may see fit to adopt; and all sales of such bonds shall be as good, valid and binding upon said corporation it made at less than their par value as if made for the full amount thereof.

Borrow money.

Sales of lands.

§ 3. Said company shall not impair the water power at Kankakee City, nor be permitted to condemn the same in the construction of their work, or in the use of said river, and if it shall become necessary for said company to condemn and use the mill property at Altorf, Aroma or Momence, or either of said places, said company shall pay to the owners thereof once and a half the then valuation of said mill property to be paid to the owners thereof, which property shall, after the payment of said condemnation money, belong to said company, the same as though purchased by them.

Water power.

Payment for mill property.

§ 4. That whenever the bill now pending before the congress of the United States for converting the Illinois and Michigan canal into a ship canal, or any other similar act shall become a law, it shall be the privilege of the Kankakee Company, and they are hereby authorized and empowered upon the passage of said act, and at their option to improve either the Kankakee river or the Kankakee feeder from the state dam to their respective intersections with said ship canal, in the same way and manner that is provided in the act to which this act is supplementary, for the improvement of said river above said dam; and in case said congressional bill shall not be passed and become a law during the thirty-eighth congress now in session, then the trustees of the Illinois and Michigan canal shall be and they are hereby empowered and authorized in behalf of the state and under and by virtue of the powers in them vested by their deed of trust to cause to be made the same depth of navigation in their said feeder as already exists in the main canal aforesaid, and to establish and collect thereon the same rate of tolls.

Improvement of Kankakee river

Rates of toll.

§ 5. That the said Kankakee Company, their associates, successors and assigns, shall hereafter have perpetual succession, and their rights of property shall in no way hereafter

Rights and privileges.

be abridged or impaired or affected by any prior legislation, and they shall have the same right to lease the whole or any part of their properties that they now have by the amendments of 1859 to lease a portion thereof, and upon such condition and for such term or terms of time as the directors of said company shall from time to time see fit to make.

Locks and slack  
water.

§ 6. Said company shall lock and slack water said Kankakee river from Kankakee City to the east line of the state of Illinois, within eight years from the passage of this act, with works sufficient to pass canal boats of the size of line boats on the Illinois and Michigan canal.

Depth of water.

§ 7. That the depth of water in said company's navigation shall not be less than four and one-half feet, and reserving to the legislature the right at all times to regulate the tolls.

Acts repealed.

§ 8. That all acts or parts of acts, all sections or parts of sections inconsistent with the provisions of this act are hereby repealed. This act shall take effect and be in force from and after its passage, and after the same shall have been accepted by a vote of said company at a meeting duly called for that purpose and not otherwise.

APPROVED February 16, 1865.

In force Feb. 16, 1865, AN ACT to incorporate the Sterling Navigation Company, and for the improvement of a part of Rock River.

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

Corporators.

B. Williams, B. Elliott Orton, Mathew Orton, Flavel Simonson, H. W. Shepard, Frederick Simonson, jr., and Edward B. Warren, of the county of Whiteside, and George Allen, of the county of Rock Island, or such of them, or such other persons as may choose to associate with them by subscribing to the stock of a company as hereinafter authorized, are hereby created a body corporate and politic, by the name of the "Sterling Navigation Company," and by that name shall have perpetual succession, and be capable of contracting and being contracted with, of suing and being sued, of acquiring, either by purchase or under the provisions of this act, as hereinafter authorized, and of holding real estate and personal property, for the purposes contemplated and authorized by this act, or in discharge of debts due the said corporation, and of using and disposing of the same; may have a common seal, which they may alter at pleasure, and may make all needful by-laws for the government of the company, its officers, and the management of its affairs, and alter the same at pleasure; may appoint or

Name and style,

Powers.



provide for the election of such officers and agents as may be deemed necessary, and prescribe the duties and liabilities of all the officers of said company, subject to the provisions of this act.

§ 2. Said company are hereby authorized to improve the navigation of said Rock river from the city of Sterling, in Whiteside county, to a point on said river opposite the place known as the Cleveland Coal Beds, in the county of Rock Island, so as to admit of the easy passage of steamboats drawing not to exceed two feet at all ordinary stages of water, by the construction of dams, locks, or canals, by deepening the bed of said river, or by taking therefrom drift wood, snags, loose rock, or other obstructions to the safe navigation thereof, and also by removing from the banks and elbows or bends in said river, the leaning or standing trees or other substances which hinder or obstruct the navigation of said river. It shall also be lawful for said company to build or purchase and own steamboats, barges, and other water craft, adapted to the navigation of said river, and to engage in the general business of transportation with the same.

Improve of Rock river.

Dams and locks.

Steamboats and barges.

§ 3. The capital stock of said company shall be one hundred thousand dollars, which shall be divided into shares of one hundred dollars each, and may be increased by the directors of said company to any sum not exceeding five hundred thousand dollars, if they shall deem the same necessary to effect the purposes of this corporation, as hereinafter set forth, and the same shall be subscribed for, taken, and paid under the direction of the board of directors of said company, at such times and places, and in such manner, as the said board of directors shall, from time to time, appoint and direct: *Provided*, that no assessment or installment upon said capital stock shall be deemed to be due and payable until notice of the time when, and the place where, the same is to be paid, shall have been personally served upon the stockholders respectively, or until notice thereof shall have been published by at least three insertions in one newspaper published in each of the counties of Whiteside and Rock Island; the first insertion being twenty days before the day on which the same shall be required to be paid, and no member of, or stockholder in, said company shall, in any event, be personally or individually liable to said company, or to any creditor thereof, for any other or greater sum than the amount of unpaid capital stock owned or held by him; and the said capital stock and the shares thereof shall be held and considered as personal property.

Capital stock.

§ 4. The persons named in the first section hereof are hereby appointed provisional directors of said company, and the said directors, or a majority of them, shall meet in the city of Sterling on the first Monday of April next after the passage of this act, and proceed to organize by the election

Directors.



of one of their number as president, to preside at the meetings of the board, and they may also appoint such other officers as may be deemed necessary.

Books opened.

§ 5. The board of directors shall cause books to be opened for the subscription of stock at such times and places as shall be deemed expedient, and so soon as one thousand shares of stock of one hundred dollars each, shall be subscribed, and ten dollars paid in cash on each share, the board of directors shall order an election of directors by said stockholders, giving ten days' notice of the time and place of such election, at which election five persons shall be elected in lieu of those appointed by this act, and a similar election shall be held on the first Monday in the month of March, annually, thereafter, and the directors so elected shall organize as prescribed in section four of this act.

Elections.

Vacancies.

§ 6. Any vacancy which may occur in the board of directors, either by death, resignation or otherwise, may be filled by appointment by the board until the next election, and a majority shall constitute a quorum to transact business; and in all elections for directors, or other purposes, each share of stock shall constitute a vote, which may be given by the holder of such stock in person or by proxy.

Calls on stock.

§ 7. The directors shall have power to determine the times, manner and proportions in which the subscribers shall pay the money due on their stock, and otherwise to direct the business of the company, subject to the provisions of this act and by-laws made in pursuance thereof.

Certificate of stock.

of § 8. The directors shall procure certificates of stock to be signed by the president, and countersigned by the secretary, and shall deliver one to each stockholder. The stock may be transferred by assignment, to be entered on the books of the company, by the owner of such stock assigned, or his attorney, duly appointed, and accompanied by a surrender of the certificates, on which other certificates shall be issued accordingly: *Provided*, that stock which has not been paid up in full shall not be assigned without the consent of the directors, entered on their minutes.

Proviso.

Assignment of stock.

of § 9. In case of the assignment of any stock before the same shall have been paid up according to the requisitions of the directors, the assignee shall become and be liable for all sums due on the stock assigned, and as such, may be sued on the original subscription, as if he had originally subscribed such assigned stock.

Rights and privileges.

§ 10. It shall and may be lawful for said company, by their agents and servants, to enter on the said Rock river, and on the land on either side, to hold and use the same, so far as necessary for the objects herein provided for, and to use the timbers, rocks, stone, gravel, or earth which may be found thereon, in the construction of their works; and to form, erect, make, or set up any dams, locks, or other devise whatever, by said company deemed most proper to improve

the navigation of said Rock river, and most to subserve its commerce, whether the same be by slack water or otherwise, from the city of Sterling, in the county of Whiteside, and state of Illinois, to a point on said river known as the Cleveland Coal Beds, in the county of Rock Island: *Provided*, Proviso. that said company shall pay to the owners of lands occupied by them as aforesaid, or from which materials may be taken as aforesaid, the value of the lands so occupied, or of the materials so taken, or the damage done, and provided that the said value shall be ascertained, or said damages assessed and compensation made, in manner hereinafter provided.

§ 11. The said company shall have the privilege of, and be Right to use water. entitled to, the use of the water power from the said river, created by any dam, lock, canal, or other works of said company, and may sell in fee, lease, or rent for one or more years, the said water power on such terms as shall be most advantageous to the corporation: *Provided*, Proviso. the use of the said water power shall not impede the navigation of said river, and that the money arising from said water power shall be applied to the benefit of the company; and if at any dam, lock, or other point on the said river there shall be surplus water applicable to hydraulic purposes, and when the interests of the company and public convenience shall require the application of such water to machinery, it shall be the duty of the company to propose to purchase from the owner or owners of such parcels of the adjoining lands as may be necessary for the use of such water power; and if said company and the owner or owners of such land shall be unable to agree upon the quantity of land to be taken by said company, or the price to be paid therefor, the said company may enforce the right to appropriate, use and occupy such portions of the said adjoining land as may be necessary for the use of such water power, by bill or petition in the circuit court, sitting as a court of chancery, as provided in the twelfth section of this act: *Provided*, Proviso. the court shall estimate the value of said land, independent of any additional value given it by the works of said company, or by reason of its convenience to the use of such water power, and also without estimating any benefits which the owner may acquire to other property by reason of said works.

§ 12. When it shall be deemed necessary by the said May take private property. company, for the purposes set forth in this act, to use, occupy, or affect any lands, lots, or water privilege of any other person or persons, it shall be lawful for said company to appropriate, use, occupy, or affect the same, on payment of a just compensation to the owner or owners thereof; and should said company be unable to agree with such owner or owners in that behalf, it shall be lawful for said company to enforce this right by a suit in chancery, and the circuit court, as a court of chancery, shall have full jurisdiction in the premises, and (by the appointment of commissioners, or

- otherwise,) shall set apart such lands as may appear to be necessary for said company to use, occupy, or affect, as aforesaid, and ascertain (by the appointment of appraisers, or otherwise,) what amount should be paid to such owner or owners, and, by a final decree, shall settle and fix the terms and conditions on which the said company shall be permitted to use, occupy or affect any such parcel or parcels of land or water privilege, and enforce the same. Such court may establish such rules of practice for cases arising under this act, as may seem just. For the purposes of proceeding under this act, the courts of chancery shall be deemed always open, and such court may fix, by order, the return day of any summons in such cases. The issues shall be summarily formed, the proofs taken with all reasonable dispatch, under the direction of the court, and the matter determined as soon as may be: *Provided*, that the provisions of sections eleven and twelve, so far as they pertain to water power, and the lands adjoining, shall not apply to any part of Rock river, or the lands adjoining west of range six, in the county of Whiteside, except so far as to permit the company to erect the necessary dams and locks, for the improvement of the navigation of the river.
- Rules of practice
- Proviso.
- Rates of toll.
- Proviso.
- Proviso 2.
- Collection of tolls.
- Time of improvements.
- § 13. It shall be lawful for the said Sterling Navigation Company, from time to time, to fix and regulate uniform rates of tolls on all boats or water craft that may pass the improvements made by said company, and the amount to be charged as tolls at each lock, dam, canal or other improvement on the different boats or water craft, aforesaid: *Provided*, that said dam or dams, lock or locks, be kept in good repair, and that the same be suitably tended, so as not to detain, unnecessarily, any boat or craft in passing through the same: *And, provided, further*, that the tolls shall be so graduated as not to enable the stockholders to realize therefrom more than fifteen per cent. per annum on the amount expended in improving said river, and in permanent fixtures for the benefit of the navigation thereof.
- § 14. It shall be lawful for the said company to enforce the collection of all tolls on the different boats or water craft passing through or over any of the improvements made by said company, by suit in any of the said counties of Whiteside and Rock Island, having jurisdiction of the amount in controversy, and such suit may be by attachment, under the provisions of chapter ten, of the Revised Statutes, entitled Attachments of boats and vessels, and the act or acts amendatory thereof.
- § 15. To enable the stockholders of this company to become fully and completely entitled to all the benefits and provisions of this act, they shall, within the period of five years from and after the passage of this act, so far improve and overcome the obstructions to the navigation of Rock river, from a point in said river opposite a place known as



the Cleveland Coal Beds, in the county of Rock Island, to the city of Sterling, in the county of Whiteside, either by dams, locks, canals or other means, as to afford a complete passage, at all ordinary stages of water, to all steamboats or other water craft drawing less than two feet; and during the progress of these improvements, no construction of this act shall debar said company from all the benefits which may arise therefrom; and in case said improvements, as above specified, shall lay out of repair at any one time, making due allowance for extraordinary accidents, for the period of three months, then all rights herein granted shall become forfeited.

§ 16. The state of Illinois hereby reserves to itself the right to resume the control of the improvements on the above described portion of said river, together with all the privileges thereunto belonging, at any time after the expiration of twenty years from and after the passage of this act, on the following conditions, to-wit: By paying to the stockholders of said company the cost of the same, with interest at six per cent. per annum from the completion of the said improvements. State may take contract.

§ 17. The said Sterling Navigation Company is hereby authorized to borrow, for the purposes of this act, any sum or sums of money not exceeding fifty thousand dollars in all, on a credit not exceeding thirty years, and at any rate of interest, payable annually, not exceeding ten per cent. per annum, and to execute and issue bonds for that purpose, which shall not be sold or hypothecated by said company at less than par. Borrow money.

§ 18. No provisions in this act shall be so construed as to prevent or interfere, in any manner, with the construction of bridges without draws, at such points as they may be required, and authorized for public travel and railroad purposes; nor shall the said company interfere or obstruct the operating of any ferry now established, or that may be hereafter established by the board of supervisors of Whiteside or Rock Island counties. Bridges and draws.

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

APPROVED February 16, 1865.

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AN ACT to provide for the location, improvement and regulation of a certain Park therein named. In force Feb. 16, 1865.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That Mark Skinner, Jacob Rehm, Ezra B. McCagg, Samuel H. Ker-*



Names of commissioners.	foot and William E. Doggett, be and are hereby appointed commissioners, who shall be known by and transact business under the style of "The North Park Commissioners."
Acceptance of appointment.	Within thirty days after the passage of this act, the said commissioners shall notify the judge of the circuit court of Cook county, Illinois, of their acceptance of their appointment hereunder; but in case of the failure of any of the above named commissioners so to notify the said judge, it shall be the duty of a majority of the commissioners so accepting, to nominate to said judge a suitable person to fill the place of the person so failing to accept, and if such nomination shall be confirmed by said judge, such nominee shall be appointed in the place of each so failing, until the full number of five shall have accepted such nomination and appointment. In said board of commissioners there shall always be at least one of them a resident of the township of Lake View, in said county of Cook. Each member, on accepting said appointment, shall take such form of oath as said judge shall prescribe.
Residence of commissioners.	
Officers.	§ 2. Whenever there shall be three commissioners who shall have accepted as aforesaid such appointment, and shall have so qualified themselves, they shall organize by selecting one of their number as their president, and shall choose a secretary who is not to be a commissioner. The said board of commissioners shall adopt a seal, and alter the same at pleasure; shall keep a true and complete record of all their proceedings and transactions, which shall be open at all times for the inspection of the public. When the full number of five shall have accepted as aforesaid, the said commissionership, the members of said board shall decide by lot at a regular meeting, as to the respective terms for which each shall hold his office; the one drawing the longest term shall serve for five years from the first day of July, one thousand eight hundred and sixty-five; the one drawing the next shall serve for four years from said date; the one drawing the next shall serve for three years from said date; the one drawing the next shall serve for two years from said date, and the one drawing the next shall serve for one year from said date. The said commissioners shall receive no compensation for their services. All vacancies occurring in said board till the first day of July, one thousand eight hundred and seventy-five, shall be filled by persons nominated to such places by a majority of the board then in office, and confirmed in such nomination by the said judge of the circuit court.
Term of office.	
Vacancy.	
Annual election.	§ 3. The president and secretary shall be elected annually by said board at the first meeting thereof, held in January of each year, and shall receive such salary for their services as the said board may determine, and shall, before entering on the duties of their offices, give bonds in such sums and with such sureties as said judge shall require. Three mem-

bers when present shall constitute a quorum for the transaction of business; but no action shall be deemed final unless it shall receive the sanction of a majority of the said board, whose names shall be recorded in the minutes of the meeting.

§ 4. The said commissioners, on their organization, are by this act authorized and empowered to select such land in the present township of Lake View, in the county of Cook aforesaid, not exceeding in area six hundred and forty acres, as may, to them, seem fit and proper for the purposes of a public park, and by their name to take the title thereto, by purchase, gift, devise or condemnation, as hereinafter provided, to be held by them and their successors, in trust, for the purposes of a public park, for the health and recreation of the people, and the advancement of the public good; and it shall be the duty of said commissioners, when they shall have made such selection of land so to be taken and appropriated, to file for record in the office of the recorder of Cook county aforesaid, a map showing the said land with correct descriptions, by sections, townships and range, which said map shall, from the date of its filing, be notice to all concerned of such appropriations. Public parks.  
Map of lands.

§ 5. In case the said commissioners can not agree with the owner or owners, lessees or occupants of any real estate selected by them as aforesaid, they may proceed in the manner hereinafter prescribed, to condemn the same. The said commissioners shall make application to the judge of said circuit court, who, upon such application, shall appoint three discreet and disinterested freeholders, one a resident of the said town of Lake View, and two from the town of North Chicago, in said county, who shall be known as the North Park Assessors, who shall first take such oath in order to their due qualification as the said judge may direct, and whose duty then it shall be, Assessor's duties

*First.* To make a full list and description of such lands in said township of Lake View, as said north park commissioners may select as aforesaid, entering on said list, so far as known, the names of the owners of the respective pieces or parcels of land so selected, giving opposite each description of said land; which the said commissioners deem it best to condemn; the respective estimates made by said assessors of the value thereof, to be paid to the owners of the same. List of lands.

*Second.* To make a complete list of all lands and lots in said towns of North Chicago and Lake View, by said assessors deemed benefitted by the location of said park, giving, as far as known, the names of the respective owners of the several lots or parcels of land so deemed benefitted, and the extent in dollars and cents of such benefit, the aggregate of such estimated benefits not to exceed the sum of seventy-five thousand dollars. Lands and lots.

Reports of estimates.

*Third.* To make the said judge separate reports of the two estimates hereinbefore contemplated. The clerk of said court shall, within five days from the filing of such report, prepare and publish a notice, in at least two daily papers published in the city of Chicago, for two weeks successively, in which notice shall be set forth a list and description of the lands so proposed to be condemned and taken, and a general notice of the assessment for benefits, with the names of the owners, so far as known, and as given by said assessors, and designating a time not less than sixty days from the date of the first publication of said notice at which parties in interest will be heard by said court, touching the value of damages and benefits.

Objections to assessments.

§ 6. All objections to said assessment of damages and benefits, shall be filed in writing before the day set for such hearing. The court shall hear the evidence presented by said north park commissioners, as well as that offered by persons objecting to said assessment, and shall determine the same in a summary manner. It shall be lawful for the said court to confirm, change or amend the said report of damages and benefits, or any part thereof, or to refer the same or either of them, or any part thereof, back to the same or newly appointed assessors for revision and correction, and the assessors to whom the report or reports or parts thereof shall be referred, shall revise, correct or make anew, and return the same to said court as hereinbefore provided for, and in like manner shall said court proceed until a final, and, to said court, satisfactory assessment shall be made touching all the lands to be condemned and appropriated by said north park commissioners, or benefitted by the location and construction of said park.

Revised assessments.

Abstract of title.

§ 7. It shall be the duty of every person claiming to be the owner of land to be taken and appropriated by said north park commissioners, to furnish to said commissioners such an abstract of title to the same as shall be satisfactory to said commissioners.

Deposits of money.

§ 8. When, for any reason, the said commissioners shall refuse or decline to decide as to the ownership of title to any of said lands to be taken and appropriated, it may be lawful for the said commissioners to deposit in lawful money of the United States, in said court the amount assessed to be paid for any piece or parcel of land so to be taken; and such deposit shall be deemed a good and valid payment for such piece or parcel of land, and shall absolutely vest in said north park commissioners the title to said piece or parcel of land so paid for; and the claimant for such money shall be required to make satisfactory proof to said court of his or her ownership of such funds; and in case of such deposit, the judge of said court, and clerk of the same, shall, in their official capacity, make and execute to the said north park commissioners, a conveyance of the piece or parcel of

Conveyance of title.



land so paid for by such deposit. From the day on which the assessment for benefits hereinbefore contemplated, shall be confirmed in whole or in part, by said court, the several amounts so assessed shall constitute a valid lien on the several lots, pieces or parcels of land on which such amounts are so assessed, and there shall be no appeal from the decision of said court touching the said estimate of damages.

Assessments,  
how collected

§ 9. The clerk of said court shall issue to the county treasurer of Cook county aforesaid, a warrant for the collection of the amounts so assessed, and all lots, pieces or parcels of lands so assessed, and on which the amounts so assessed shall not be paid on or before the first day of January, A. D., one thousand eight hundred and sixty-six, shall be advertised in a daily paper in the city of Chicago, for three successive days, and in not less than twenty days after said advertisement shall first appear, but on a day named in said advertisement, said lots, pieces or parcels of land, or so much of each as may be necessary to pay the assessment so respectively levied, shall be sold by said county treasurer, at the north door of the court house in said city of Chicago.

Lands and lots  
sold for assess-  
ments.

§ 10. The county treasurer shall issue to the purchaser or purchasers, at such sale, certificates of sale as is customary at other sales for taxes and assessments; such certificates shall be signed by the said county treasurer, and countersigned by the clerk of the county court of said county of Cook, and shall, in all respects, be like other tax sale certificates, the basis of a title, unless redemption is made from such sale within two years from the day of sale, by a deposit of twice the amount of the money paid at said tax sale.

§ 11. The said county clerk shall keep in his office a record of said tax sale, like the records now kept, of all sales made by the said treasurer, and shall receive redemption moneys on such sales, and receive back, cancel and file away certificates of sales issued as above described, and cancel the record of such sales.

Record of tax  
sale.

§ 12. It shall be lawful for the said north park commissioners to vacate and close up any and all public roads or highways which may pass through, divide or separate any lands selected and appropriated by them for the purposes of a park, and no such road shall ever be laid out through said park, except such as the said commissioners may lay out and construct.

Vacate roads  
and alleys.

§ 13. It shall be lawful for the said commissioners to issue bonds, payable twenty years from and after the first day of July, one thousand eight hundred and sixty-five, with coupons thereto attached, providing for interest thereon, payable semi-annually, on the first day of January and July in each and every year, at the rate of not more than ten per centum per annum, payable, principal and interest at such place as the said commissioners may, on the face of

Commissioners  
may issue bonds



said bonds and coupons, designate. The said bonds, in the aggregate, shall not exceed the sum of one hundred and fifty thousand dollars, and shall be numbered and registered and signed by the president and secretary of said board. The said north park commissioners shall have the power to mortgage said park for the payment of the principal of the said bonds at maturity.

May mortgage  
park.

Annual tax.

§ 14. The said commissioner shall, on the first day of October of each and every year, notify the clerk of the said county court as to the amount, not in any one year to exceed the sum of fifty thousand dollars, which shall be assessed on all real estate in the said towns of North Chicago and Lake View by the assessors for the state and county taxes, to be collected with the state and county taxes in the same manner and by the same process, and for the purposes of said park, to pay the interest on the bonds hereby authorized to be issued, and for other purposes in the discretion of said commissioners. But the first moneys collected from such annual taxation, shall be applied to the payment of the interest due on said bonds, and the said coupons shall always be receivable for park taxes of the year in which such coupons are due.

Separate assess-  
ments.

§ 15. The said county treasurer shall keep a separate account of the moneys collected for or on account of said commissioners, and shall pay all warrants or checks drawn on him by the president and countersigned by the secretary of the said board.

Government of  
park.

§ 16. The said commissioners shall have the exclusive powers to govern, manage and direct the said park; to lay out, improve, ornament and regulate the same; to make such police and sanitary regulations, and pass such ordinances regarding the government and control thereof, as may to them seem fit and proper; to employ such persons and pay such salaries in the premises, as they may deem proper.

Misdemeanors.

§ 17. It shall be a misdemeanor for any of said commissioners, directly or indirectly, to be in any way interested, pecuniarily, in any contract or work of any kind whatsoever connected with said park; and it shall be the duty of any commissioner or other person who may have any knowledge or information of the violation of this provision, forthwith to report the same to the judge of the said circuit court of Cook county, who shall hear such commissioner in regard thereto, and if, after such hearing, he shall be satisfied of the truth thereof, the said judge shall immediately remove the commissioner thus offending.

Annual state-  
ment.

§ 18. The said board of commissioners shall, on the first day of January in each year, make to the said judge a full exhibit and statement of all receipts and disbursements, and of all contracts made by them, and of all their transactions as such commissioners. The said judge shall thereupon appoint some competent person to audit said account and state-

ment, who shall, after such auditing, make such a report to said judge as he the said auditor shall deem proper, and in reference to which said auditor's report, the said judge shall cause such action to be taken as he may deem right.

§ 19. All persons offending against the ordinances or regulations passed or established by the said commissioners for the proper care, management or protection of said park, shall be deemed guilty of a misdemeanor, and be punished on conviction thereof, before the recorder of the city of Chicago, or any justice of the peace of Cook county, by a fine not to exceed fifty dollars; and in default of payment thereof, shall be imprisoned for a term not exceeding sixty days.

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

APPROVED February 16, 1865.

AN ACT to incorporate the Galesburg and Henderson Plankroad Company. In force Feb. 16, 1865.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That George I. Bergen, Edward Hasbrook, Milton L. Overstreet, and Fauntleroy F. Frans, and their successors, are hereby created, shall be, and for the term of thirty years from and after the passage of this act, continue to be, a body corporate and politic, by the name of "The Galesburg and Henderson Plankroad Company," and by that name shall have succession for the term of years above specified; may sue and be sued, complain and defend in any court of law or equity; may make and use a common seal, and alter the same at pleasure; may make by-laws, rules and regulations for the management of its property, the regulation of its affairs, the appointment and number of its officers, and for the transfer of its stock, not being inconsistent with the laws of this state or of the United States; and may appoint such subordinate agents, officers and servants, as the business of said corporation may require, and allow them a suitable compensation; prescribe their duties and require bond for the faithful performance thereof, in such penal sums and with such sureties, as they may choose, who shall hold their offices during the pleasure of a majority of the directors of said corporation.

§ 3. The said corporation shall have the right to construct, and during its continuance to maintain and continue a plank road of such width as may be deemed advisable by the directors of said corporation, and upon the usual and best mode of constructing the same, and with such appendages as may be deemed necessary for the convenient use of the same, from the public square in the city

of Galesburg in the county of Knox and state of Illinois, west on Main street, to the corner of the Richard H. Whiting farm, thence north through the townships of Galesburg and Henderson to intersect the road known as the Rock Island road, in said county of Knox.

**Capital stock.** § 3. The capital stock of said corporation shall be fifty thousand dollars, which shall be deemed personal property and shall be divided into shares of twenty-five dollars each.

**Books opened.** § 4. The said persons named as incorporators in this bill, shall cause books to be opened for the subscription to the capital stock of said corporation, in such place or places as they may think proper in said county aforesaid, and shall give notice by advertising in some public newspaper printed in said city of Galesburg and by posting advertisements in such place or places as they may think proper, of the times and places where books will be opened for receiving subscriptions to the capital stock of said corporation; which notice shall be published for ten days previous to the time appointed for the opening of such books. At the time set

**Subscriptions.** in said notice one or more of said incorporators shall attend at the place named in such notice, in the city of Galesburg or Henderson, to receive from all persons who will subscribe thereto, subscriptions to the capital stock of said corporation. Said books shall be kept open at one or more places named in said notice, until one week previous to the election of directors; and after the election of said directors, the said directors shall keep the books open at the office of the company until the whole of the capital stock of said corporation shall be subscribed for, when they shall be closed.

**Payments on stock.** Each subscriber, at the time of his subscription, shall pay to the persons named as incorporators, ten per centum upon the whole amount of stock subscribed for by him, and the residue of such subscription shall be payable by installments, as the same shall be required by the directors; but said directors shall not require more than four installments to be paid in on each share subscribed in any one year, and such installments shall not exceed ten per centum each upon the amount subscribed; and it shall be the duty of the directors of said corporation, to publish, in the city of Galesburg, at least ten days previous to the time when any installment is required to be paid, the amount to be paid on each share, and the time and place or places of payment. Any stockholder who shall fail to pay any such installment upon the share or shares of said stock held by him, agreeably to such requirement of the directors, shall, at the option of said directors, forfeit to the said corporation, the stock held by him and any and all previous payments made to said corporation thereon.

**Directors.** § 5. The affairs of said corporation shall be managed by a board of directors, to be annually chosen by the stockholders from among themselves; the first board of directors



to be chosen as soon as may be, after ten thousand dollars of the capital stock aforesaid have been subscribed. The commissioners shall give notice of the time and place at which a meeting of the stockholders will be held for the choice of directors, and at such time and place appointed for such purpose, the persons named as incorporators, shall attend, or a majority of them, and act as inspectors of said election; and the stockholders shall proceed to elect their directors by ballot, and the directors present shall certify the result of said election under their hands, which certificate shall be recorded in the books of said corporation and shall be sufficient evidence of the election of the directors therein named. All subsequent elections shall be held at the time and in the manner prescribed by the by-laws and regulations of the said corporation. Each stockholder shall be allowed as many votes as he owns shares of stock at the commencement of each election, and a plurality of votes shall determine the choice; but no stockholder shall be allowed to vote at any election after the first, for any stock that may have been assigned to him within thirty days previous to the day of holding such election. The said directors shall hold their offices for one year after their election, and until their successors are elected, and shall elect one of their number president of said board.

First board.

Elections.

Term.

§ 6. Immediately after the election of directors and the organization of said board, the persons hereinbefore named as incorporators, shall deliver to the said directors or to their treasurer appointed by said directors, the whole amount of moneys received by them on subscriptions to said stock; and it shall be the duty of said directors to keep the books for subscription open until the entire amount is subscribed, as hereinbefore set forth.

Subscriptions to be paid over.

§ 7. The said corporation is authorized, as soon as the board of directors are elected as aforesaid, to commence the construction of said road, beginning at any point on said line hereinbefore set forth, as they may deem most for the interest of said corporation; and as soon as two miles of said plank road are completed, said corporation may erect a gate or gates thereon and collect the tolls allowed by this act; and it shall be the duty of said corporation, when said road or any part of said road shall have been completed and gates erected thereon, to keep it in good repair, and whenever, from any cause, the same shall become injured, said corporation shall immediately proceed to repair the same. It shall be lawful for said corporation to construct bridges over any sloughs or streams anywhere upon the route of said road where they may deem the same necessary; and said corporation is authorized to borrow any sum of money which they may deem necessary, not to exceed twelve thousand dollars, to aid in the construction of said road; and it

When to commence road.

Bridges over sloughs, etc.



shall be the duty of said corporation to complete the said road within five years after the passage of this act.

Toll gates.

§ 8. The said corporation is authorized and shall have power to erect and maintain such toll houses, toll gates and other buildings for the accommodation and management of the said road and the transportation thereon, as may be deemed suitable to their interests and the accommodation of the public travel; and may demand, collect and receive of and from any and every person using said road, the following rates of toll, to-wit: at every gate, for every man and horse, two cents; for every carriage or wagon drawn by one horse or other animal, ten cents; for a wagon or carriage drawn by two horses, oxen or other animals, fifteen cents; for a carriage or wagon drawn by four horses, oxen or other animals, twenty cents; for each additional pair of horses, oxen or other animals, two cents; for horses or mules in droves, two cents per head; for hogs, goats or sheep, one-half of a cent per head. When sleds or sleighs are used instead of wheels, one-half of the rates of toll as aforesaid shall be charged upon such sled or sleigh. It shall be lawful for any toll gatherer to stop and detain any person going on said road until the toll properly chargeable shall have been paid.

List of tolls.

§ 9. The president and directors of said corporation shall cause to be kept upon each gate in some conspicuous place where the same may be easily read, a printed list of the tolls which may be lawfully demanded, and shall cause mile posts or stones to be erected and maintained upon said road.

Mile posts.

Penalty for demanding more toll.

§ 10. If any toll gatherer shall unreasonably delay or hinder any traveler or passenger, or shall demand more toll than by this act is allowed the said company, shall forfeit and pay to the person injured the sum of twenty-five dollars; and if any person shall willfully cut down, break, deface or injure any mile posts on said road, or shall willfully cut or throw down, break or injure any gate erected upon said road, or shall willfully tear up, injure or spoil any of said plank road or any appendage thereto, or anything thereunto belonging, he shall forfeit and pay to the said corporation three times the amount of damage actually done, and no forfeiture shall be less than twenty-dollars; and if any person shall forcibly pass either gate without first having paid the legal tolls, he shall forfeit and pay to said corporation for every such offense the sum of twenty-five dollars; and if any person to avoid the payment of the legal tolls shall turn off said road and pass any gate on said road, and again enter upon said road, he shall forfeit and pay to said corporation the sum of five dollars. All penalties and forfeitures incurred under this act may be recovered by action of debt, in any court having cognizance thereof; and when the forfeiture does not exceed one hundred

Injury to road.

Fines.

Evasion of tolls.

dollars, the same may be prosecuted before any justice of the peace of the county where the offender or offenders may be found.

§ 11. The said corporation shall be allowed two years from the passage of this act to commence the construction of said road. Any city or incorporated town in this state shall have the right to subscribe to the stock of said corporation, and to receive transfers of and transfer such stock; and any corporation being a stockholder shall be allowed to vote by its appointed agent, duly appointed the same as any other stockholder.

§ 12. The said corporation is hereby authorized to locate and construct said plank road over any lands owned by this state on the route of said road, and is authorized to acquire by voluntary cession or purchase from the owners the right to construct said road over any lands belonging to individuals, companies or corporations on said route; and in case the said corporation cannot obtain the right to construct said road over the land owned by any individual, company or corporation by voluntary cession or by purchase, it shall be lawful for said corporation to appropriate and use of said lands or highways west from the centre of the square in the city of Galesburg, on Main street, to the southeast corner of the farm known as the Whiting farm; thence north on the road on the east side of said farm, and continuing on said road to Henderson Grove, and on a direct line north, as near as may be, to intersect with the highway running to Rock Island, known as the Rock Island road, and to use said roads or so much thereof as is now laid out: *Provided, however,* that the said plank road shall not be laid out or built upon said Main street in said city of Galesburg, unless by contract or agreement with the council of said city; neither shall the highway be used for the purposes of said company only by agreement with the supervisor and commissioners of highways of said town first had thereto; and said company may construct said road on the most convenient line or on a direct line from the head of Broad street to the northeast corner of the estate of Peter Frans; thence on the line aforesaid to intersect with said Rock Island road.

§ 13. The directors may present a petition to the judge of any court of record created in said Knox county, to which said company is unable to acquire title, setting forth the description of said lands, which are wanted for said road or the appendages thereto, the names of the owners thereof, praying for the appointment of appraisers to assess the damages which the owners of such land will severally sustain by reason of the appropriation thereof by the said corporation for the use aforesaid.

§ 14. On the presentment of said petition, said judge shall appoint a day for hearing the parties interested, and shall direct such notice as he shall deem reasonable to be

given of the time and place of such hearing; and if it shall appear that any such be a minor, a *feme covert*, an infant or insane, or otherwise incompetent to take proper care of his or her interests, it shall be the duty of said judge to appoint some discreet and reputable person to act in his or her behalf.

Damages.

§ 15. At the time appointed for such hearing, the said judge shall appoint three disinterested persons, freeholders, residents in said county, for the purpose of assessing the damages; and the order appointing said appraisers shall direct and specify what lands are proposed to be appropriated and occupied by said corporation for the purposes aforesaid.

§ 16. Said appraisers, after being duly sworn before some officer authorized to administer oaths honestly and impartially to assess such damages, shall proceed by viewing said lands and by such other evidence as the parties may produce before them to ascertain and assess the damages which such owner will sustain by the appropriation of his or her lands for the use or accommodation of said plank road or its appendages.

Report of appraisers.

§ 17. Said appraisers shall make report to said judge in writing, under their hands, reciting the order of their appointment and specifying the several parcels of land described therein and the names of the owners of the respective parcels, and if not known, state that fact, specifying also the damages which the owners of the respective parcels will sustain by reason of said road; and in case that either party are dissatisfied with the assessment, the said judge may, on the hearing of the parties in interest, modify the assessment as to him shall appear just.

Title to lands.

§ 18. On the payment of the damages thus assessed, with the expenses of said assessment, as the same shall be settled by the judge, or on depositing the amount thereof for the use of the owners in such place as the judge shall designate, the said corporation shall immediately become entitled to the use of said lands for the purposes aforesaid; and the report of said appraisers, with the order of said judge, modifying the same, if the same shall have been modified, shall be recorded in the circuit clerk's office where records of land are kept, without any other proof than the certificate of said judge that the report is genuine; and when the said report and order shall have been recorded, the said corporation shall be seized and possessed of said lands or real estate, and may enter upon and take possession of the same for the purposes hereinbefore recited: *Provided*, that said road shall not be made through any door yard, garden or orchard, without the consent of the owner or owners thereof.

Report recorded

Stock, how far liable.

§ 19. Each person being a stockholder shall be liable in his private property, real or personal, in a sum equal to the



amount of stock subscribed or owned by him for the debts contracted by said corporation, which liability shall continue for one year from and after he shall have parted with his stock.

§ 20. Said corporation shall have power, after all expenses are paid, to make a dividend or dividends from time to time, annually or semi-annually, to said stockholders, as the profits of said company may warrant on all paid up stock. Dividends.

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

APPROVED February 16, 1865.

AN ACT to amend the charter of the Northwestern Plank Road Company, in the county of Cook, and to authorize the sale of the franchise. In force April 17, 1865.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the Northwestern Plank Road Company be authorized to substitute stone or gravel in place of plank upon said road, or any part thereof: *Provided*, the same shall be of equal width of the plank tract, and be constructed so as to pass the examination of the inspectors of plank roads in said county. Stone or gravel may be used. Proviso.

§ 2. The said company may collect the same tolls and enjoy the same privileges granted to plank road companies by the general plank road law, and it may collect the same penalties, fines and damages for any violation of its rights or damage to its property that is authorized by said general law, and be subject to the same penalties that law imposes for abuse of travelers or the community. Tolls.

§ 3. The president, by the advice and direction of a majority of the stockholders, may sell to the county of Cook, the franchise, the property and immunities of said company, or to any other party or parties, and thus dissolve said company and divide the avails amongst the stockholders. May sell property.

§ 4. *And be it further enacted*, That the board of supervisors of Cook county may purchase said franchise property and immunities, and upon the order of said board the clerk of said county shall proceed to purchase and receive the deed of title to the same, and should said county fail to purchase the same, any person or persons may purchase the same, and thereby make the same private property. Cook county may purchase.

§ 5. The deed of the president of said company to the said county of Cook, or to any other party purchasing, shall be a good and lawful title to the same: *Provided, always*, that all the debts and liabilities of said company shall be paid: *Provided, further*, that the purchaser or purchasers of said franchise and road shall be bound by all the obliga- Title and deed. Proviso.



tions said "Northwestern Plank Road Company" is by its charter, and shall enjoy all the rights and privileges enjoyed by said company and no more.

APPROVED February 15, 1865.

In force Feb. 16,  
1865.

# AN ACT to incorporate the Cairo Democrat Company.

Corporators.	SECTION 1. <i>Be it enacted by the People of the State of Illinois, represented in the General Assembly,</i> That Thomas Lewis, James O. Durff, William Rallston, G. S. Sims and Joel G. Morgan, and their associates, successors and assigns, are hereby created a body corporate and politic, under and by the name, style and title of "The Cairo Democrat 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 one 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 Cairo, Alexander county, 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.
Name and style.	
Powers.	
Capital stock.	
Hold real estate.	§ 2. The said company shall also have power to manufacture, in the city of Cairo 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 or water power as may be necessary to carry out the provisions of this section.
Need buildings.	§ 3. The said company shall have power to purchase and hold so much real estate and lots in the said city of Cairo, 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 this section and section two may be sold, aliened and conveyed at the pleasure of said Cairo Democrat Company.
Deeds and title.	All deeds of real estate shall be made to said Cairo Democrat 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.

§ 4. Said Cairo Democrat Company shall have power to lease such real estate and buildings 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 buildings or those leased by them, as may not be needed in the printing, publishing and binding business as aforesaid.

§ 5. 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 said company; and said rules thereafter shall not be altered, changed or amended, except by a 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. Rules.

§ 5. Whenever stock to the amount of twenty thousand dollars shall have been subscribed and fifty 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, vice 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 may 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. Officers.

§ 7. Said company shall, by its secretary, keep a journal, in which the proceedings of all meetings of the stockholders shall be recorded, which record, with all other books, papers and vouchers, shall be subject to the inspection of any stockholder at all reasonable times. Record.

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

APPROVED February 16, 1865.

AN ACT to incorporate the Chicago Republican Company.

In force Feb. 13,  
1865.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That* Ira Y. Munn, John V. Farwell, Joseph K. C. Forrest, J. Young Scammon, of Chicago; Jesse K. Dubois and Jacob Bunn, Corporators.

of Springfield; John Wood, of Quincy; J. Wilson Shaffer, of Freeport; Amos C. Babcock, of Canton; Alonzo W. Mack, of Kankakee; Francis A. Hoffman and Henry C. Childs, of Du Page county, and their associates, successors and assigns, are hereby created a body corporate and politic, under and by the name, style and title of "The Chicago Republican 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 five 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.

Name and style.

Powers.

Paper, etc.

§ 2. 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 section.

Real estate.

§ 3. 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.

Title to property

§ 4. 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 this act may be sold, aliened and conveyed at the pleasure of said Chicago Republican Company. All deeds of real estate shall be made to said Chicago Republican Company. And deeds and conveyances 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.

§ 5. Said Chicago Republican Company shall have power to lease such real estate and buildings 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, or in the building or buildings leased by them, as may not be needed in the printing, publishing or binding business, as aforesaid.

§ 6. 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 said company; and said rules 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.

Rules and d  
rections.

§ 7. Whenever stock to the amount of one hundred thousand dollars shall have been subscribed, and fifty per cent. thereof shall have been paid, it shall be lawful for the stockholders to commence business under this act; and they may elect or appoint a president, secretary and treasurer, and such other officers and servants as may be deemed necessary, and fix their compensation and term of office by such by-laws as they may 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, and for six months after the assignment of the stock so held by them respectively.

Officers.

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

APPROVED February 13, 1865.

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AN ACT to incorporate the Illinois Staats Zeitung Company.

In force Feb. 13,  
1865.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That Lorenz Brentano and Anthony C. Hesing, 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 Illinois Staats Zeitung Company," with perpetual succession; and by that name 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 and 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*

Corporators.

Name and style.  
Powers.



shall be one 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.

Articles of manu-  
facture.

§ 2. *And be it further enacted*, That 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 section.

May hold real  
estate.

§ 3. *And be it further enacted*, That 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.

Title to property

§ 4. *And be it further enacted*, That 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 the second and third and this section of this act may be sold, alienated and conveyed, at the pleasure of said Illinois Staats Zeitung Company. All deeds of such real estate shall be made to said Illinois Staats Zeitung 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.

May lease.

§ 5. *And be it further enacted*, That said company shall have power to lease such real estate and buildings 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.

Rules.

§ 6. *And be it further enacted*, That 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 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 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 such meeting.

§ 7. *And be it further enacted*, That whenever stock to Officers.  
the amount of forty thousand dollars shall have been subscribed, and fifty 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 may 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.

§ 8. *And be it further enacted*, That whenever it shall be required of said company to certify to the publication of any advertisement published by them, a certificate, signed by the president and secretary of said company, shall be deemed and taken as a certificate of the publishers of said advertisement. This act shall take effect and be in force from and after its passage.

APPROVED February 13, 1865.

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AN ACT to incorporate the Peoria Gazette Company.

In force Feb. 16,  
1865.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That Henry S. Austin, Charles Ballance, Elbridge G. Johnson, Elihu N. Powell, Jonathan K. Cooper and Thomas G. McCulloh, Corporators.  
and their successors, be and they are hereby instituted a body politic and corporate, by the name and style of "The Peoria Gazette Company;" and by that name they shall have perpetual succession, and shall be capable of suing and being sued, defending and being defended against, pleading and being impleaded, answering and being answered unto, within all courts and other places whatsoever; they may Name and style.  
have a common seal, and alter or change the same at pleasure, and purchase and hold or convey real estate and personal estate, necessary to promote and carry out the objects of said corporation: *Provided*, they shall not hold exceeding one acre of real estate. Seal.

§ 2. The business and objects of said corporation shall Object.  
be to publish, in the city of Peoria, a first class newspaper,

and, as a secondary and appurtenant matter, to connect therewith a job printing office and book bindery.

Capital stock.

§ 3. The capital stock of said company shall be, at first, fifty thousand dollars, but with the privilege of increasing the same to one hundred thousand dollars, should that be deemed necessary, to be divided into shares of one hundred dollars each. In all elections or questions to be decided by a vote of said company, every stockholder shall be entitled to vote, either in person or by proxy, and cast one vote for every share he or she may hold, up to twenty shares, and one vote for every two shares he or she may hold over twenty shares.

Annual election.

§ 4. Said company shall have six directors, to be elected annually, one of whom shall be president; and said president and directors shall have the management of the concerns of said company, subject to such by-laws as said company may adopt.

Books opened.

§ 5. The persons named in the first section of this act, or a majority of them, shall be commissioners to take subscriptions and organize said company, and shall, as directors, have the control of the same until an election shall be held for directors. The stock of said company shall be assignable, subject, however, to the regulations and by-laws that shall be made relating thereto.

By-laws.

§ 6. Said company shall have power to make such regulations, and pass such by-laws, for the management of the affairs of said company, and the transfer of its stock, as they may deem proper, and which shall not be contrary to the laws of the land.

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

APPROVED February 16, 1865.

In force Feb. 16, AN ACT to incorporate the Religio-Philosophical Publishing Association.  
1865.

Corporators.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in [the] General Assembly,* That Stevens S. Jones, Henry C. Childs, Sylvester H. Todd, Warren Chase, Leo Miller, Frank Wadsworth, Charles H. Waterman, Warwick Martin, Moses W. Leavitt, Lewis Ellsworth, Seth Marvin, Moses Hull, Edward Smith, Alexander V. Sill, William White, C. M. Plum, M. M. Daniel, M. F. Davis, J. M. Peebles, Henry T. Child, Benjamin Todd, J. P. Bryant, J. R. Newton, W. F. Jamieson, F. M. Brown, S. J. Finney, Frank H. May, George Shufelt, A. Burnham, William Reed, James F. Knowlton, Ira Porter, David Brunson, Thomas Richmond, S. Paine, A. H. Robinson, A.



Willhelme and Milo Porter, and their associates, successors and assigns, are hereby created a body corporate and politic, under the name and style of "The Religio-Philosophical Publishing Association," and shall have perpetual succession; and by that name 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 elsewhere; to make, have and use a common seal, and the same to renew and alter at pleasure; and shall be and hereby are vested with all powers, privileges and immunities which are or may be necessary to carry into effect the purposes and objects of this act, as hereinafter set forth; and the said association is hereby authorized and empowered to purchase or manufacture all necessary materials for, and to carry on in all its varied branches and departments, the business of publishing, printing, binding, making and vending books, maps, periodicals, pamphlets, newspapers, and all other printed, painted lithographs, photographs, mechanical or chemical matter, for the diffusion of knowledge, and the promotion of the arts and sciences, and to establish all such agencies, depositories and bureaus as shall be deemed expedient by said association; and the said association is empowered to hold real, personal and mixed estate, by purchase, gift, grant, bequest or otherwise, and to convey the same in any manner they may deem expedient; and the association may lease or rent real and personal estate, and erect and repair such buildings, privileges and appurtenances as shall be deemed necessary to carry on and execute the business of said association, and make their property serviceable and valuable.

§ 2. The capital stock of said association shall consist of one hundred thousand dollars, and may be increased, from time to time, by the board of directors of said association, as deemed necessary; which capital stock shall be divided into shares of fifty dollars each.

§ 3. The immediate government and direction of said association shall be vested in the fourteen first above-named corporators, who shall constitute the first board of directors, and hold their offices until others shall be duly elected as their successors, and enter upon the duties of their offices, in accordance with the provisions of the by-laws of said association; and a majority of the board of directors shall form a quorum for doing business.

§ 4. The board of directors shall elect one of their number president of the association, and such other officers and agents as the by-laws shall require.

§ 5. At all meetings of the stockholders, each stockholder shall be entitled to cast one vote for each share of stock held, subject to such general regulations as the by-laws shall provide; and no person shall be eligible to be elected to the office of director, who does not own and hold at least ten



shares of stock, on which has been paid at least ten per cent.; and there shall never be more than forty members in the directory, the number to be regulated by the by-laws; and should it at any time happen that a board of directors shall not be elected at the time fixed by the by-laws, said association shall not for that cause be dissolved, but the old board of directors shall hold their offices until their successors are elected, and enter upon the duties of their offices; and should the president or any of the directors die, resign, be removed from office, refuse to act, or in any way become incompetent to act, the board of directors may fill any such vacancy, so occasioned, until the next regular meeting of the stockholders for the election of officers of the association, and may, in the absence of the president and vice president, appoint a president *pro tem*.

Vacancies.

Books opened.

§ 6. The board of directors may, from time to time, open and close the books of the association for subscriptions to the capital stock, under such general restrictions and conditions as shall be provided in the by-laws and subscription lists of the association; and it shall be lawful for the board of directors to require payment of the sums subscribed to the capital stock, at such times, and in such proportions, and on such conditions, as they shall deem fit, under the penalty of the forfeiture of all previous payments thereon: notice for such calls for payments to be in accordance with the conditions of the subscription lists and the by-laws of the association.

Borrow money.

§ 7. And for the better promoting the business of the association, the board of directors, by the president, or other agents duly empowered, may negotiate a loan or loans of money or credit, to the amount of their capital stock, and may pledge the credit and property, real, personal and mixed estate, and all its rights, credits and franchises, for the payment thereof, and may execute promissory notes, bonds, mortgages, deeds of trust, and any and all other forms of vouchers, at any time deemed necessary, and may prepare a sinking fund, or other means for the payment of the same, and do all other necessary and proper acts to promote the general interest of said association; and said board of directors may, from time to time, adopt and amend all necessary by-laws for the regulation of the business of the association, not in conflict with this act, and the laws of the land, and rescind them at pleasure.

Sinking fund.

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

APPROVED February 16, 1865.

AN ACT to incorporate the Union Printing Association.

In force Feb. 16,  
1865.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That John R. Howlett, John G. Price, George H. Hyde, Sidney T. Osmer and Benjamin C. Coblentz, and their successors, be and they are hereby instituted a body politic and corporate, by the name and style of "The Union Printing Association;" and by that name they shall have perpetual succession, and shall be capable of suing and being sued, defending and being defended against, pleading and being impleaded, answering and being answered unto, within all courts and other places whatsoever; they may have a common seal, and alter and change the same at pleasure, and purchase, hold or convey real and personal estate, necessary to promote and carry out the objects of said corporation: *Provided*, they shall not hold exceeding one acre of real estate.

Coporators.

Name and style.

Seal.

§ 2. The business and objects of said corporation shall be to publish in the city of Sterling, Whiteside county, a first class newspaper, and, as a secondary and appurtenant matter connected therewith, a job printing office and book bindery.

Object.

§ 3. The capital stock of said company shall be, at first, ten thousand dollars, (but with the privilege of increasing the same); said capital to be divided into shares of one hundred dollars each. In all elections or questions to be decided by a vote of said company, every stockholder shall be entitled to vote, either in person or by proxy, and cast one vote for every share he or she may hold.

Capital stock.

Proxy votes.

§ 4. Said company shall have five directors, to be elected annually, one of whom shall be president; and said president and directors shall have the management of the concerns of said company, subject to such by-laws as said company or directors may adopt.

Directors.

§ 5. The persons named in the first section of this act, or a majority of them, shall be commissioners to take subscriptions, or organize said company, and shall, as directors, have the control of the same until an election shall be held for directors. The stock of said company shall be assignable, subject however to the regulations and by-laws that shall be made relating thereto.

Open books.

§ 6. Said company shall have power to make such regulations and pass such by-laws for the management of the affairs of said company, and the transfer of its stock, as they may deem proper, and which shall not be contrary to the laws of the land.

By laws.

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

APPROVED February 16, 1865.

In force April 15,  
1865.

# AN ACT to incorporate the West Publishing Company.

Corporators.	SECTION 1. <i>Be it enacted by the People of the State of Illinois, represented in the General Assembly,</i> That Washington Bushnell, Daniel J. Pinckney, Jesse W. Fell, Charles Walker, sen., John Logan, Theron D. Brewster, Peter Daggy, R. B. Mason, Alexander Campbell, Joseph Sharon, Cyrus Edwards, David Strawn, Thomas J. Turner, C. H. J. Haukluff, David Riekey, William H. Collins, George W. Armstrong, and their associates, successors and assigns, are hereby created, a body politic and corporate, under the
Name and style.	name and style of "The West Publishing Company," and under that name and style to have perpetual succession, to
Powers.	be capable in law of suing and being sued, pleading and being impleaded, in all courts and places; of purchasing, holding and selling all such real estate and personal property as may from time to time become necessary for the successful carrying on of the business specified in this act; to have a common seal, and to break and renew the same at pleasure, and generally to have and exercise all the functions and franchises which usually appertain to corporations of this character.
Capital stock.	§ 2. The capital stock of said company shall be five hundred thousand dollars, which shall be divided into shares of twenty-five dollars each, which shall be issued, registered, certified and transferred as the board of directors shall direct, which stock shall be treated as personal property; and at all elections of said company, every stockholder shall be entitled to one vote for every share of stock he may hold, which may be given in person or by proxy.
Directors.	§ 3. The corporate powers of this company shall be vested in and exercised by a board of directors, not less than seven nor more than fifteen in number, to be elected annually by the stockholders; but if for any cause annual elections shall not be held, none of the corporate powers, rights, privileges or franchises of said company shall thereby be forfeited or impaired, but the board of directors for the time being shall hold their offices until their successors are elected and qualified. The board of directors shall, immediately after the annual elections, elect one of their number president; they shall also elect a secretary and treasurer, and such other officers as shall be prescribed by the by-laws of said company. Jesse W. Fell, Washington Bushnell, Thomas J. Turner, Alexander Campbell, Daniel J. Pinckney, Theron D. Brewster, Geo. W. Armstrong and Charles Walker, sen., shall constitute the first board of directors, and shall hold their offices until their successors are elected and qualified; and they shall elect one of their number president, and appoint a secretary and treasurer, who shall hold their offices until the first annual election, unless sooner removed by the board of directors.
First board.	



§ 4. The said company shall have power to make, execute and enforce all such by-laws, rules and regulations, not inconsistent with the constitution and laws of the United States and of this state, as may be necessary for the well ordering, prosecution and management of the affairs of said company. By-laws.

§ 5. The business of said company shall be the publishing of a newspaper in the city of Chicago, to be called "The West." Said company may also establish and carry on a book and job office and publishing house, in said city, and to purchase or build and operate a paper mill, for the manufacture of paper, in any part of this state where they can procure the necessary water or steam power for that purpose. Object.

§ 6. This company shall have power to lease, build or purchase all machinery, water or steam power, buildings, materials and fixtures, as may be necessary to commence and carry on the business specified in this act. All deeds, leases and contracts relating to real estate leased, bargained for or purchased by said company, shall be made to the West Publishing Company; and all leases, deeds and contracts relating to lands, made by said company, shall be signed by the president, countersigned by the secretary, and shall be under the seal of said company, and all such leases, contracts and deeds may be acknowledged before a proper officer by the president of said company. Machinery and power.

§ 7. The board of directors of said company shall open books for subscriptions to the capital stock of said company at such times and places as they may deem proper, and when one hundred thousand dollars of said stock shall have been subscribed, and not less than fifty per cent. thereof paid in, said company may commence business, and the balance of the stock subscribed may be collected in such installments as the board of directors may elect. Books for subscription to the stock of said company may be opened, from time to time, until the whole amount of capital stock shall have been subscribed. When to organize.

APPROVED February 16, 1865.

AN ACT to incorporate "The Adams County Railroad Company."

In force Feb. 16, 1865.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That* Onias C. Skinner, A. E. Wheat, Thomas Redmond, Jackson Grimshaw, Scott Wike, O. M. Hatch, Alexander Starne, Isaac N. Morris and Chauncey L. Higbee, of the counties of Adams and Pike, and their associates, successors, heirs and Corporators.



Name and style.	assigns, are hereby created a body politic and corporate, under the name and style of "The Adams County Railroad Company," and by that name and style shall have perpetual succession; and said company are hereby made capable of suing and being sued, of pleading and being impleaded in all courts of law and equity in this state and elsewhere, of contracting and being contracted with; and said company shall have authority to make, have, use, alter and change a common seal, and the same to renew at pleasure; and said company are hereby vested with all the powers, privileges and immunities which are or may be necessary to carry into effect the objects and purposes of this act hereinafter mentioned, set forth, or referred to, and to exercise and enjoy, for the purposes of the said company, the rights and privileges of natural persons.
Powers.	
Line of railroad.	§ 2. Said company are hereby authorized and empowered to locate, construct, establish and finally complete and hereafter use a railroad, commencing at any convenient point in the city of Quincy, in said Adams county, and running from thence on the most eligible, beneficial, expedient and practical route, to a point on the Mississippi river opposite the city of Hannibal, in the state of Missouri, or to connect with any railroad now or hereafter constructed or projected in Pike county, Illinois; and the said company are hereby empowered, in the construction of said railroad, to lay out said railroad wide enough for a single or double track throughout the whole length thereof, and for the purpose of constructing the same, and for materials, stone, earth and gravel, may take and use as much more land, on the sides of the same, as may be necessary for the proper construction and security of said road.
Capital stock.	§ 3. The capital stock of said company shall be three hundred thousand dollars (\$300,000,) and may be increased to twelve hundred thousand dollars (\$1,200,000,) to be divided into shares of one hundred dollars (\$100) each share. The immediate government, control and direction of the affairs and organization of said company and company franchises, shall be vested in the persons named in the first section of this act, and a majority of them shall form a quorum, with power and authority to adopt such rules and by-laws and other things to do and perform, necessary to the complete organization of said company, and to conducting the same; and to provide for the opening of books and obtaining subscriptions to the capital stock of said company, and for the calling of meetings of said company; and when one hundred (100) shares of the capital stock shall be taken and subscribed for the company may fully organize, and go into operation in the construction and completion of said railroad, by the election of a board of directors, which may appoint all necessary officers, who shall hold their office during the pleasure of the board of directors; and such board of direc-
When to organize.	

tors shall hold their office for one year, and until their successors are elected and qualified.

§ 4. *Be it further enacted*, That all the rights, privileges, advantages, authorities and immunities conferred upon the Hannibal and Naples Railroad Company, incorporated by an act approved February 12, 1863, also all the rights, privileges, advantages, authorities and immunities conferred by said last named act, are hereby conferred upon said Adams County Railroad Company. Rights conferred

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

APPROVED February 16, 1865.

AN ACT to incorporate the Atlantic and Pacific Railroad Company.

In force Feb. 16,  
1865.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That John V. Ayer, Darwin Harney, Elliot Anthony and Azariah T. Galt, and their associates, successors, heirs and assigns are hereby created a body politic and corporate, by the name and style of the "Atlantic and Pacific Railroad Company," with perpetual succession, and by that name be and are hereby made capable, in law and equity, to sue and be sued, plead and be impleaded, defend and be defended, in any court of law and equity in this state or any other place; to make and use a common seal, and the same to alter or renew at pleasure; and shall be and are hereby vested with all powers, privileges and immunities which are or may be necessary to carry into effect the purposes and objects of this act, as hereinafter set forth; and said company are hereby authorized and empowered to locate, construct and complete a railroad from a line between the states of Indiana and Illinois, at a point in Cook county, Illinois, to be hereafter selected, by the way of the city of Chicago, Illinois, to the Mississippi river, at any point at or north of the city of Savannah, to be hereafter located; said railroad to be laid out and constructed upon the most eligible route between the points above named, and for this purpose the said company are authorized to lay out and locate their said road with a six foot gauge, or otherwise, through the whole length of said route, and for the purpose of cutting embankments, stone and gravel may take and appropriate as much more land as may be necessary for the construction and security of said road. Corporators.  
Name and style.  
Powers.

§ 2. The capital stock of said company shall consist of two million dollars, which may be increased to any amount not exceeding the actual estimated cost of constructing and Capital stock.

Directors.

equipping their said road, to be divided into shares of one hundred dollars each. All the corporate powers of said company shall be vested in and exercised by a board of seven directors, who shall be chosen by the stockholders of said company in the manner hereinafter provided, who shall hold their offices for one year or until their successors shall be elected and qualified; and said directors, a majority of whom shall form a quorum for the transaction of business, shall elect one of their number to be the president of the company; and said board of directors shall have power to appoint all necessary clerks, secretary, treasurer, and all other officers deemed necessary in the transaction of the business of said company.

Surveys of route

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

Lands taken.

Annual meetings.

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

Books of subscription.

§ 5. The persons named in the first section of this act are hereby appointed commissioners, who, or a majority of them are hereby authorized to open or cause to be opened, subscription books for the stock of said company, at such time



and place as they may think proper; and, also, to appoint one or more agents to open such books and receive such subscriptions; the said commissioners, or their agents, shall require each subscriber to pay five dollars, or execute a note therefor, as they shall determine, on each share subscribed, at the time of subscribing; and whenever fifty thousand dollars shall be subscribed, the said commissioners shall call a meeting, (or a majority of them shall,) of the stockholders, by giving twenty days' notice in some newspaper printed in the city of Chicago, or by personal notice served upon each of the stockholders, of the time and place of such meeting, at least ten days previous to the time of such meeting; and, at such meeting, it shall be lawful for the stockholders to elect the directors of said company, and transact any other necessary business; and when the directors are chosen, the said commissioners shall deliver said subscription books, with all sums of money and notes received by them, or by any agent appointed by them as commissioners to said directors. No person shall be a director unless he shall be a *bona fide* stockholder in said company.

§ 6. The directors of said company, after the same is organized, are hereby authorized and empowered to take and receive subscriptions to their said capital stock, on such terms and in such amounts as they may deem for the interest of said company, and as they may prescribe by their by-laws or regulations, from any other railroad or corporation, and from any county, city, town or village making the same, provided said company shall not be authorized to take or receive subscriptions to their capital stock, payable in real estate. Subscription to stock.

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

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



personal property, and transferable in such manner as shall be provided by the by-laws and ordinances of said company.

Vacancy.

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

Crossing  
roads.

of

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

Consolidation.

§ 11. Said company shall have power and it is hereby made lawful for said company to unite or consolidate its railroad with any other railroad or railroads now constructed or being constructed, or which may hereafter be constructed, within this or any other state, which may cross or intersect the same, or, be built along the line thereof, upon such terms as may be mutually agreed upon between the said company or any other company, and for that purpose, full power is hereby given to said company to make and execute such contracts with any other company or companies, as will secure the objects of such connection or consolidations.

Borrow money.

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

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

§ 14. That the said company in securing the payment of said bonds, by a mortgage or deed of trust on the road, property and income of the company, shall have power to execute a mortgage or deed of trust, aforesaid, to receive the payment of the full amount of bonds which the company may, at the time of said mortgage or deed of trust, bears date, or at any time thereafter desire to sell or dispose of, and may execute and sell, from time to time, such amounts of said bonds and of such dates, and payable to such persons as the directors of said company may deem advisable, till the whole amount of bonds mentioned in such mortgage, or deed of trust is executed and sold, and the said mortgage or deed of trust shall be as valid and effectual to secure the payment of the bonds so executed and sold, and every part thereof, as if the same, and every part thereof, had been executed with even date with the said mortgage or deed of trust. Trust deed and mortgage.

§ 15. This act shall be deemed a public act, and is hereby so declared, and shall be favorably construed for all purposes herein expressed and declared in all courts and places whatsoever, and shall be in force from and after its passage.

APPROVED February 16, 1865.

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AN ACT to incorporate the Cairo and Mound City Railroad Company. In force Feb. 15, 1865.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That* Asa Eastman, S. Staats Taylor, N. R. Casey, Isham N. Haynie, Henry W. Webb, William P. Halliday and John Q. Harman, and all persons who may become stockholders in the corporation hereby created, their successors and assigns, be and are hereby declared a body corporate under the name of "The Cairo and Mound City Railroad Company," and by that name may sue and be sued, contract and be contracted with, adopt a seal and alter it at pleasure, and perform all the acts necessary and usual for corporations to carry out the powers herein conferred. Corporators.  
Name and style.

Capital stock.

§ 2. The capital stock of said corporation shall be two hundred thousand dollars, and may be increased by the stockholders: and when the sum of fifty thousand dollars of the capital stock has been subscribed, the company may be organized by the election of directors and officers.

Directors.

§ 3. The board of directors shall consist of five persons, which may be increased to any number, not exceeding nine, each of whom shall be a stockholder; the officers shall consist of a president, vice president, secretary, treasurer and such other officers and agents or attorneys as the directors may appoint; the duties of the officers and directors may be prescribed by the by-laws and orders of the corporation. The capital stock shall be divided into shares of one hundred dollars each, which shall be deemed personal property, and transferable in such manner as may be determined by the directors. At all elections and meetings of the stockholders, each share shall be entitled to one vote either in person or by proxy.

Line of road.

§ 4. The said corporation is hereby authorized to construct, maintain and operate, a single or double track railroad, with convenient side tracks, switches, turnouts, buildings and appendages, in the counties of Pulaski and Alexander, commencing at some convenient point in or near Mound City, and running thence on the most eligible route to Cairo, and in and along Washington and Commercial avenues to Second street of said city with power to connect on Second and Twentieth and Thirty-fourth streets: and said corporation may construct, maintain and operate their railroad on such other streets, as the city council of the city of Cairo may designate, upon such terms and conditions, with such rights, privileges and exemptions as may by contract be agreed on from time to time between the city council and said corporation. The said corporation shall not commence the construction of their railroad until they execute and deliver a bond to the city of Cairo in the penal sum of twenty-five thousand dollars, with the condition that the company shall keep in good repair with the like materials, and with the same manner as may be required of the owners of property, on the same street, eight feet in width, where a single track is used, and sixteen feet in width where a double track is used, upon Washington avenue and Commercial avenue, within the limits of the city of Cairo. The city council of the city of Cairo shall have power to regulate the speed of cars within the limits of said city.

Width of track.

May unite roads.

§ 5. The said corporation may unite its road, or make running arrangements, or consolidate its stock, with any other railroad company, upon such terms and conditions as may be mutually agreed on; and it may contract with any other railroad company, whose railroad crosses or connects with the said Cairo and Mound City railroad to run its cars or to operate the road of such other company; and

in making running arrangements, may by contract, use the powers of either of the parties thereto.

§ 6. The said corporation may take, hold and convey Hold real estate. real estate, for the transaction of its business; and may manufacture cars and machinery; it may borrow money, and secure the same by deed of trust or mortgage, on any of its franchises or property; the line of road may be divided into two or more divisions, and either, or any one, be constructed and operated; and the said corporation may begin to construct said railroad at any point upon the line of said railroad and complete so much thereof as it may determine.

§ 7. In case the corporation cannot agree with the owners of private property for the right of way, the same may Right of way. be condemned and taken, under and according to the provisions of an act entitled "An act to amend the law condemning right of way for purposes of internal improvement," approved June 22, 1852. Nothing contained in this act or in any law of this state, shall authorize said company to take for the uses and purposes of the company or otherwise, or to impair, any portion of the levees or embankments already constructed and erected, or to be constructed, around the city of Cairo, by the trustees of the Cairo city property, or by any person or corporation, by existing agreement with them, except by consent of said trustees and of the city of Cairo; and the said company shall not construct the said railroad within the present corporate limits of Mound City, further than one hundred feet, without the consent of the city council of said city, except for the purpose of connecting their railroad with that of some other company, in which event, the said city council shall, on request of said company, designate the street or streets upon and along which such connection shall be made; and thereupon the said company shall have power to build and operate their railroad upon and along the streets so designated.

§ 8. This act shall be in force from and after the date of its passage.

APPROVED February 15, 1865.

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AN ACT to incorporate the Cairo and St. Louis Railroad Company.

In force Feb. 16,  
1865.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That Sharon Tyndale, Isham N. Haynie, Samuel Staats Taylor, John Thomas, William H. Logan, William P. Halliday, and Tilman B. Cantrell and their associates, successors and assigns,* Corporators. be and they hereby are created, a body politic and corporate, under the name and style of "The Cairo and St. Louis Rail- Name and style.



Powers.

road Company," and by that name be and they are hereby made capable, in law and in equity, to sue and be sued, plead and be impleaded, defend and be defended, in any court of law and equity in this state or elsewhere; to make, have and use a common seal, and the same to renew and alter at pleasure; and shall be and hereby are, vested with all powers, privileges and immunities, which are or may be necessary to construct, complete and operate a railroad with double or single track, from the city of Cairo, to any point opposite the city of St. Louis, in the state of Missouri; and for that purpose, to enter upon and take possession of, so much land as may be necessary to construct, complete and operate said railroad and its appendages; and if said company cannot agree with the owner or owners of said land taken as aforesaid, it may be lawful for them to proceed in the manner now provided by the laws of this state, for the condemnation of lands by incorporated companies, and may also exercise for said purpose, all such powers as have been heretofore, or may be hereafter, conferred upon any other railroad company incorporated by the laws of this state.

Capital stock.

§ 2. The capital stock of said company shall be three millions of dollars, which may be increased by said company to any sum not exceeding five millions of dollars; which may be divided into shares of one hundred dollars each, which shall be deemed personal property, and may be issued and transferred in such manner as the board of directors may prescribe.

Directors.

First board.

§ 3. The affairs of said company shall be managed by a board of seven directors, which may be increased to any number not exceeding thirteen; and Sharon Tyndale, Isham N. Haynie, Samuel Staats Taylor, John Thomas, William H. Logan, William P. Halliday and Tilman B. Cantrell are hereby appointed the first board, who shall hold their offices until their successors are elected and qualified, in such manner as may be prescribed by the by-laws of said company. Said board shall have the power of electing one of their number president, and such other officers as may be prescribed by the by-laws; and said corporation shall be and is hereby vested with all the powers conferred upon railroad incorporations by the general railroad laws of the state of Illinois, or any amendment now made or hereafter to be made thereto.

Junction with  
other roads.

§ 4. Said corporation shall have power to unite its railroad with any other railroad now constructed, or which shall hereafter be constructed, upon such terms as may be mutually agreed upon between the companies so connecting; and from time to time to borrow such sums of money as may be necessary for the purposes of said company, and at any rate of interest not exceeding ten per cent. per annum; and to issue and dispose of their bonds in denominations of not

less than one hundred dollars for any amount so borrowed; and to mortgage their corporate property, real or personal and their franchise, or convey the same by deed of trust, to secure the payment of any money so borrowed, or any other debt of said company.

§ 5. Nothing contained in this act, or in any law of this state, shall authorize said company to take for the uses and purposes of the company or otherwise, or to impair any portion of the levees or embankments already constructed and erected around the city of Cairo, or to be constructed and erected by the trustees of the Cairo city property, or by any person or corporation under existing agreements with them, except by the consent of said trustees and of the city of Cairo. Restrictions.

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

APPROVED February 16, 1865.

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AN ACT to amend an act entitled "An act to incorporate the Chicago and Alton Railroad Company," approved February 18, 1861. In force Feb. 16, 1865.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That an annual meeting of the stockholders and of the bondholders of said corporation, entitled to vote under the provisions of the act to which this is an amendment, shall be held in the city of Chicago, on the first Monday in April, in each and every year, after the passage of this act. Such meetings shall be held in pursuance of such notice, and conducted in such manner, as the by-laws of said corporation may from time to time prescribe. Time and place of annual meeting.

§ 2. That at the first annual meeting of the share and bondholders of said corporation, held in pursuance of the provisions of this act, there shall be elected by the stockholders and voting bondholders of said corporation, so many directors of said corporation as shall, with the directors then in office, make the entire number of directors nine in all. Each director, so elected, shall be a *bona fide* stockholder in said corporation; and a plurality of the votes cast at such election shall be sufficient to elect. At least five of the nine directors of said corporation shall be citizens of the state of Illinois. Number of directors.

§ 3. The board of directors of said corporation, at the first meeting thereof held after the election of the directors provided for in section two of this act, shall be divided into three classes, in the manner following, that is to say: The names of three directors shall be drawn by lot from the Three classes of directors.

Term of office.

whole number of directors; and the three directors whose names are so drawn, in manner aforesaid, shall be and continue to serve as directors of the said company, for the term of three years from the date of the first annual meeting of the stockholders hereinbefore provided for. From the six directors remaining after the selection of the first three directors, whose names have been selected in the manner last aforesaid, shall, in like manner, be drawn by lot the names of three of such remaining directors; and these three, so drawn, shall be and continue to serve as directors of said company, for the term of two years from the time of holding the first annual meeting of the stockholders hereinbefore provided for; and the three directors then remaining, after the selection of the six directors, in manner aforesaid, shall be and continue to serve as directors of said company, for the term of one year from the time of holding the first annual meeting of the stockholders hereinbefore provided for.

Annual election.

§ 4. At each and every annual meeting succeeding the first, held in pursuance of the provisions of this act, there shall be elected by the stockholders and voting bondholders of the said corporation, three persons, each of whom shall be a *bona fide* stockholder in said company, who shall serve as directors of said corporation for the term of three years from the date of their election, in the room and stead of the three directors whose term of office shall have then expired, as provided by this act; and the directors so elected shall continue to serve as such until their successors are elected, chosen and qualified, in the manner aforesaid.

Vacancy.

§ 5. All vacancies occurring, from whatever cause, in the board of directors, during the current year, between the annual meetings for the election of directors, as hereinbefore provided, shall and may be filled by and upon the vote and selection of a majority of the remaining or continuing directors; and the person or persons so selected to fill such vacancy or vacancies, so occurring, as aforesaid, shall be and continue to act as director or directors of said company, until the next annual meeting of the stockholders of said company, held as hereinbefore provided; but in no case shall any person be elected a director in said company, in pursuance of the provisions of this section, unless and until the name of such person shall have been submitted, in writing, to the board of directors, at least one week previous to the voting for and election of such person to be director, as aforesaid.

Elections.

§ 6. A failure or omission to elect directors of said company at the time and in the manner hereinbefore provided, in any or either of the cases hereinbefore mentioned, shall not be held, deemed or taken to work or operate as a dissolution of said company or corporation; but the directors in office, as such, at the time immediately preceding, or

at the time at which, an election of directors should, pursuant to the provisions hereinbefore contained, take place, shall be and continue to act as directors of said company, until such election shall be duly held, in pursuance of the terms and provisions of this act.

§ 7. The president of said board of directors shall be President. nominated and elected by the members thereof, from their own body; and such election shall be decided by vote or ballot, or in such other manner as said board of directors may prescribe; and the person so nominated and elected as president aforesaid, shall hold office for the term of one year from the date of his election, or until his successor shall be duly elected and qualified.

§ 8. The corporate powers of said corporation shall be Powers vested. vested in and exercised by by the president and board of directors elected and chosen as aforesaid, in the manner hereinbefore provided. Said president and board of directors shall have power to call special meetings of the stockholders and voting bondholders of said company, whenever it is deemed expedient so to do, and to prescribe all rules, regulations and by-laws which may be necessary and proper for the administration of the affairs of said corporation, or for the complete exercise of the corporate powers vested in the same. A majority of said board of directors shall constitute a quorum for the transaction of business.

§ 9. The said corporation are hereby authorized and Double track. empowered to build a second or double track along the entire line of railroad now operated by it, between the city of Chicago and the terminus of said line, on Bloody Island, opposite the city of St. Louis, in the state of Missouri. The said double track may be built, from time to time, along the portions of said line where, in the opinion of the board of directors, the traffic of said company shall most require it.

§ 10. The capital stock of said corporation may be in- Ca tal stock. creased, from time to time, by and with the written consent of three-fourths of the stockholders of said company, to an amount not exceeding the cost of the railroad of said company, its appendages, and other property now held by said company, or which may hereafter be purchased or acquired; and such additional stock may be sold, or otherwise disposed of, in such manner as a majority of the directors of said corporation may deem expedient.

§ 11. Section fourteen of the act entitled "An act to in- Sec. 14 repealed. corporate the Chicago and Alton Railroad Company," is hereby repealed.

§ 12. This act shall be deemed a public act, and shall take effect from and after the date of its passage.

§ 13. Nothing in this act shall be so construed as to Reservation. give permission to said company to lay down any track or tracks in, upon or across any street, public landing or pub-



lie ground in any town or city, without the consent of the duly constituted authorities of such town or city first had and obtained nor to annul any arrangement or contracts now binding on said company.

APPROVED February 16, 1865.

In force Feb. 16, 1865, AN ACT to incorporate the Chicago, Danville and Vincennes Railroad Company.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That William D. Judson, Joseph E. Young, James M. Walker, Joseph Peters, John C. Short, Alvan Gilbert, C. A. Lake, James K. Richie, William Kile, and their associates, successors and assigns, are hereby created a body politic and corporate, by the name and style of "The Chicago, Danville and Vincennes Railroad Company," with perpetual succession; and by that name be and are hereby made capable, in law and equity, to sue and be sued, plead and be impleaded, defend and be defended, in any court of law and equity in this state, or any other place; to make and use a common seal, and the same to alter and renew at pleasure; and shall be and are hereby vested with all powers, privileges and immunities, which are or may be necessary to carry into effect the purposes and objects of this act, as hereinafter set forth; and said company are hereby authorized and empowered to locate, construct and complete a railroad, with a single or double track, from a point in Lawrence county, on the Wabash river, opposite Vincennes, in the state of Indiana, upon the most eligible route, to and into the city of Chicago, by way of Paris, in Edgar county, and Danville, in Vermilion county; and, for this purpose, the said company are authorized to lay out and locate their said road, not exceeding one hundred feet in width, through the whole length of said route; and for the purpose of cuttings, embankments, stone and gravel, may take and appropriate as much more land as may be necessary for the construction and security of said road.

§ 2. The capital stock of said company shall consist of one million of dollars, which may be increased to any amount not exceeding the actual estimated cost of constructing and equipping their said road, to be divided into shares of one hundred dollars each. All the corporate powers of said company shall be vested in and exercised by a board of not less than five nor more than thirteen directors, who shall be chosen by the stockholders of said company, in the manner hereinafter provided, who shall hold their offices for

one year, or until their successors shall be elected and qualified; and said directors, a majority of whom shall form a Quorum. quorum for the transaction of business, shall elect one of their number to be the president of the company; and said board of directors shall have power to appoint all necessary clerks, secretary, treasurer and all other officers deemed necessary in the transaction of the business of said company.

§ 3. The said corporation is hereby authorized, by their agents, surveyors and engineers, to cause such examinations and surveys to be made of the ground and country, as shall be necessary to determine the most desirable route whereon to construct their said railroad; and it shall be lawful for said company to enter upon and take possession of, and use all such lands and real estate as will or may be necessary for the construction and maintenance of the said railroad, its depots, side tracks, water stations, engine houses, machine shops, and other buildings and appendages necessary to the construction of said railroad: *Provided*, that Proviso. all lands or real estate entered upon and taken possession of by said corporation, for the purpose and accommodation of said railroad, or upon which the site for said railroad shall have been located or determined by said corporation, shall be paid for by said company, in damages, if any be sustained by the owner or owners thereof, by the use of the same, for the purposes of said railroad; and all lands entered upon and taken for use of said corporation, which are not donated to said company, shall be paid for by said corporation, at such prices as may be mutually agreed upon by the said corporation and the owner or owners of such lands; and, in case of disagreement, the price shall be estimated, fixed and recovered, in the manner provided for taking lands for the construction of public roads, canals and other public works, as prescribed by the act concerning the right of way, approved March 3, 1845, and the amendment thereto, approved June 22, 1852.

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

Malicious mischief.

and may be imprisoned in the county jail for any time not exceeding six months, at the discretion of the court.

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

Books opened. § 6. The persons named in the first section of this act are hereby appointed commissioners, who, or a majority of them, are hereby authorized to open, or cause to be opened, subscription books for the stock of said company, at such time and place as they may think proper; and, also, to appoint one or more agents to open such books and receive such subscriptions. The said commissioners, or their agents, shall require each subscriber to pay five dollars, or execute a note therefor, (as they shall determine,) on each share subscribed, at the time of subscribing; and whenever fifty thousand dollars shall be subscribed, the said commissioners shall call a meeting (or a majority of them shall,) of the stockholders, by giving ten days' notice in some newspaper printed in the city of Chicago, or by personal notice, served upon each of the stockholders, of the time and place of holding such meeting, at least five days previous to the time of such meeting; and at such meeting it shall be lawful for the stockholders to elect the directors of said company, and transact any other necessary business; and when the directors are chosen, the said commissioners shall deliver said subscription books, with all sums of money and notes received by them, or by any agent appointed by them as commissioners to said directors. No person shall be a director unless he shall be a *bona fide* stockholder in said company.

Subscription to stock. § 7. The directors of said company, after the same is organized, are hereby authorized and empowered to take and receive subscriptions to their said capital stock, on such terms and in such amounts as they may deem for the interest of said company, and as they may prescribe by their by-laws or regulations, from any other railroad company or corporation, and from any county, city, town or village making the same; and may acquire, by donation, stock subscription or purchase, and dispose and convey, as they may deem expedient, real estate and coal and mineral lands, not exceeding one thousand dollars.

Right of way. § 8. That the right of way and the real estate purchased for the right of way or other purposes, by said company, whether by mutual agreement, or otherwise, or which shall become the property of said company by operation of law, as in this act provided, shall, upon payment of the amount of money belonging to the owner or owners of said lands,

as a compensation for the same, become the property of said company in fee simple.

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

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

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

§ 12. Said company shall have power, and it is hereby Consolidation. made lawful for said company, to unite or consolidate its railroad, stock and property, with that of any other railroad company or companies within this or any other state, whose line or lines of road may cross or intersect the railroad hereby authorized, or be built along or near the line thereof, upon such terms as may be mutually agreed upon between the said company and any other company; and, for that purpose, full power is hereby given to said company to make and execute such contracts with any other company or companies as will secure the objects of such connec-



tion or consolidations; and such consolidating companies shall have authority, and are hereby authorized, to avail themselves of any or all the provisions of an act entitled "An act to authorize railroad and plankroad companies to consolidate their stock," approved February 28, 1854.

*Borrow money.*

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

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

*Deeds of trust.*

§ 15. That the said company, in securing the payment of said bonds, by a mortgage or deed of trust on the road, property and income of the company, shall have power to execute a mortgage or deed of trust, aforesaid, to secure the payment of the full amount of bonds which the company may, at the time the said mortgage or deed of trust bears date, or at any time thereafter, desire to sell and dispose of; and may execute and sell, from time to time, such amounts of said bonds, and of such dates, and payable to such persons, as the directors of said company may deem advisable, till the whole amount of bonds mentioned in such mortgage or deed of trust is executed and sold; and the said mortgage or deed of trust shall be as valid and effectual, to secure the payment of the bonds so executed and sold, and every part thereof, as if the same, and every part thereof, had been executed with even date with the said mortgage or deed of trust.

§ 16. This act shall be deemed a public act, and is hereby so declared, and shall be favorably construed for all purposes herein expressed and declared, in all courts or places whatever, and shall be in force from and after its passage.

APPROVED February 16, 1865.

AN ACT to authorize the Chicago, Burlington and Quincy Railroad Company to take up that portion of its road between Batavia, in Kane county, and the Junction, in DuPage county, and to extend its railroad from such point in the town of Batavia, on its present line, to a point they may select, on the line of the North-Western (late the Galena and Chicago Union) Railroad, Illinois. In force Feb. 16, 1865.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the Chicago, Burlington and Quincy Railroad Company shall have power, and is hereby authorized, to take up and discontinue that part of its railroad lying between Batavia, in Kane county, and the junction with the Chicago and North-Western (late the Galena and Chicago Union) Railroad, in DuPage county: *Provided*, it shall, at the same time, or immediately thereafter, which it is empowered to do, extend, construct and maintain its railroad from such point on the present line, in the town of Batavia, as it may select, northwardly, *via* St. Charles, to a point on the Chicago and North-Western (late the Galena and Chicago Union) Railroad, at such place, east of Fox river, as said company may determine upon. Part of road discontinued.

§ 2. The said Chicago, Burlington and Quincy Railroad Company, in the extension of its said railroad, and in the construction, operation and maintenance of such extension, shall have, possess and exercise all the powers, rights and privileges, immunities and franchises, now or at any time possessed, held or enjoyed by it during its existence under its charter, or amendments thereto, or by or under the laws of this state. Continuance of powers.

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

APPROVED February 16, 1865.

AN ACT to authorize the Chicago, Burlington and Quincy Railroad Company to take up that portion of its road between Batavia, in Kane county, and the Junction, in DuPage county, and to extend its railroad from such point in the town of Batavia, on its present line, to a point they may select, on the line of the North-Western (late the Galena and Chicago Union) Railroad, in Kane county, Illinois. In force Feb. 15, 1865.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the Chicago, Burlington and Quincy Railroad Company shall have power, and is hereby authorized, to take up and discontinue that part of its railroad lying between Batavia, in Kane county, and the junction with the Chicago and North-Western (late the Galena and Chicago Union) Railroad, in DuPage county: *Provided*, it shall, at the same time, or immediately thereafter, which it is hereby empowered to do, Part of road discontinued.

extend, construct and maintain its railroad from such point on the present line, in the town of Batavia, as it may select, northwardly, *via* St. Charles, to a point on the Chicago and North-Western (late the Galena and Chicago Union) Railroad, at such place in the county of Kane, east of Fox river, as said company may determine upon, not further north than the junction of the Fox River Valley road, so called, with the said Galena and Chicago Union Railroad, late so called.

Rights and powers continued.

§ 2. The said Chicago, Burlington and Quincy Railroad Company, in the extension of its said railroad, and in the construction, operation and maintenance of such extension, shall have, possess and exercise all the powers, rights, privileges, immunities and franchises, now or at any time possessed, held or enjoyed by it, during its existence under its charter, or amendments thereto, or by or under the laws of this state.

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

Tariff rights.

§ 4. The right to regulate the tariff for transporting freight and passengers on so much of said railroad as is by this act relaid, is expressly reserved to the general assembly.

APPROVED February 15, 1865.

In force Feb. 16, 1865. AN ACT to authorize the Chicago, Burlington and Quincy Railroad Company to extend its railroad from Aurora to Morris.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the Chicago, Burlington and Quincy Railroad Company shall have power to extend, construct and maintain its railroad, from Aurora, in Kane county, to Morris, in Grundy county, on such a route as it may select.

Extension road.

Rights and powers continued.

§ 2. The said Chicago, Burlington and Quincy Railroad Company, in the extension of its said railroad, and the construction, maintenance and operation of such extension, shall have, possess and exercise all the powers, rights, privileges, immunities and franchises, now or at any time possessed, held or enjoyed by it, during its existence under its charter, or amendments thereto, or by or under the laws of this state.

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

APPROVED February 16, 1865.

AN ACT to amend the charter of the Chicago and Great Eastern Railway Company. In force Feb. 16, 1865.

WHEREAS the Chicago and Great Eastern Railway Company, heretofore become a body politic and corporate, under and by virtue of the laws of the states of Illinois and Indiana, by the consolidation of the Galena and Illinois River Railroad Company, of this state, with the Chicago and Great Eastern Railway Company, of Indiana, under articles of consolidation, duly executed by said consolidating companies, of the date of October 30, A.D. 1863, and filed with the secretary of state, as required by law; and whereas said Chicago and Great Eastern Railway Company, under the powers, privileges and franchises granted to it, through the charter of the Galena and Illinois River Railroad Company, can have but five directors, and it is desirable to have a greater number in the management of its affairs: therefore,

Preamble.

Preamble 2.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in [the] General Assembly,* That the Chicago and Great Eastern Railway Company shall have power and be authorized by a vote of its stockholders, at any annual or special meeting at which a majority of its stock shall be represented, to increase its directors to any number not exceeding thirteen; and at such meeting, or at the next annual meeting of said stockholders, there shall be elected so many directors as may be required to make up the whole number of directors agreed upon to constitute the board of directors of said Chicago and Great Eastern Railway Company.

Increase of directors.

§ 2. It shall be lawful for the meetings of the stockholders, directors or officers of said Chicago and Great Eastern Railway Company to be held within or without this state, at such times and places as the by-laws of said company, or the board of directors, may from time to time appoint; and the board of directors of said Chicago and Great Eastern Railway Company shall have power to fill vacancies in its own body, occasioned by death, resignation or otherwise.

Time and place of meeting.

§ 3. That the rate of speed at which the trains and locomotives of the Chicago and Great Eastern Railway Company may be run, within the limits of the city of Chicago, shall be under the control of the common council, or other proper authorities of said city: *Provided, however,* that such control of said common council, or other authorities of said city of Chicago, shall not extend west of the east line of the township of Cicero, in the county of Cook, nor be exercised west of the limits of said city, or within the said township of Cicero, as now organized and existing in the said county of Cook.

Rate of speed.



Restrictions.

§ 4. The road hereby authorized to be constructed shall be subject to all general laws that may hereafter be passed by the general assembly of this state, regulating the rates of tariff on freight and passengers of said railroad companies.

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

APPROVED February 16, 1865.

In force Feb. 15, 1865. AN ACT to extend the powers of the Chicago and Northwestern Railway Company.

Bridge of Chicago river.

Proviso.

Additional lands

Powers.

May change and relocate road.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the Chicago and Northwestern Railway Company is hereby authorized to construct and maintain a railroad bridge across Chicago river, in the city of Chicago, at such point east of Rush street, as shall be found most eligible and convenient for the purpose of connecting the tracks of said company with those of other railroads terminating in said city: *Provided*, that said bridge shall not be constructed until the plans and location thereof shall have been submitted to and approved by the common council of said city; and in the use of said bridge for railroad purposes, said company shall be entirely subject to such restrictions and regulations as the said common council shall provide: *And, provided, further*, that by consent of said common council said bridge may be used for other than railroad purposes.

§ 2. Said company shall have the right to acquire and hold, in the city of Chicago and elsewhere, such additional lands as shall be, from time to time, necessary for depots, engine houses, shops, side-tracks and turnouts, or any extension or enlargement thereof, and for such other purposes as are incident and convenient to the management of the lines of railroad of said company; and in the acquiring of such lands said company may exercise all the powers heretofore vested in the Galena and Chicago Union Railroad Company now consolidated with said Chicago and Northwestern Railway Company.

§ 3. Said Chicago and Northwestern Railway Company is hereby authorized to change, relocate or take up such of its tracks, side-tracks or branches as it may deem necessary for the convenient management of its business; and said company as now consolidated, may have and exercise all the powers heretofore conferred by the laws of this or any other state upon the Chicago and Northwestern Railway Company, and the Galena and Chicago Union Railroad Company, or any other company consolidated with it.

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

APPROVED February 15, 1865.

AN ACT to incorporate the Chicago Sterling and Warsaw Railroad Company. In force Feb. 16, 1865.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That Jesse Penrose, Nelson Mason, John Roy, David Gochervur, William A. Patterson, Milton T. Hunt and George Edmonds, jr., of Hancock county, and James Dinmore and Robert C. Andrews, of Whiteside county, and their associates and assigns, be and they are hereby created a body politic and corporate, by the corporate name and style of "The Chicago, Sterling and Warsaw Railroad Company," and are hereby vested in their corporate capacity, with all the powers, privileges and immunities conferred upon railroads heretofore or hereafter incorporating under the general railroad laws of this state, and are hereby authorized and empowered to construct, reconstruct, locate and relocate, operate, equip and maintain a railroad with one or more tracks, from any point within or near to the corporate limits of the city of Chicago, in Cook county, to Sterling, in Whiteside county, thence to Warsaw, as the company may choose, with power to connect and consolidate and merge on such terms as may be agreed upon their stock or road with any road whose track they may cross or approach.

§ 2. Said company, by their corporate name, shall have perpetual succession, and by such name and style shall be capable in law as well as equity, of suing and being sued, impleading and being impleaded, and may adopt, have and use a common seal, and alter the same at pleasure; and may have and exercise all the corporate rights and franchises necessary to enable them to carry out the powers herein conferred.

§ 3. This corporation shall be assessed and taxed for state, county, town and other purposes, the same as other railroad corporations are now or hereafter may be by law, and they may condemn for the purposes of said road in the manner provided by act of June 22, A. D. 1852.

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

APPROVED Feb. 16, 1865.

In force Feb. 16, 1865. AN ACT to incorporate the Clayton and Rushville Railroad Company.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That* Lewis D. Erwin, King Kerley, Hiram Boyle, Henry L. Warren, and Thomas L. Morris, and their associates, successors and assigns, are hereby created a body corporate and politic, under the name and style of "The Clayton and Rushville Railroad Company," with perpetual succession, and by that name shall be and they are hereby made capable in law and in equity to sue and be sued, plead and be impleaded, defend and be defended, in any court of law and equity in this state or any other place; to take, purchase, hold, lease, sell and convey estate and property, whether real or personal or mixed, so far as the same may be necessary for the purposes hereinafter mentioned; to make, have and use a common seal, and the same to renew and alter at pleasure; and shall be and are hereby vested with all the powers, privileges and immunities which are or may be necessary to carry into effect the purposes and objects of this act, as hereinafter set forth; and the said company are hereby authorized and empowered to locate, construct and finally complete a railroad with one or more tracts, commencing at Clayton, in Adams county, in the state of Illinois, and running thence on the most eligible route through the township of Pea Ridge to Rushville, in Schuyler county, in the state of Illinois, and for that purpose said company are authorized upon the most eligible route, to lay out their said railroad, not exceeding one hundred and fifty feet in width, and for the purpose of cuttings, embankments, stone and gravel may take as much more land as may be necessary for the proper construction and security of said railroad; and said company are authorized to commence operations at either end of said road, or at any point thereon, and to construct, operate and use the said road in portions, sections or divisions, of such length as in the opinion of said company may seem most expedient.

§ 2. The capital stock of said company shall be fifty thousand dollars, which may be increased from time to time, by a vote of a majority in interest of stockholders, at their annual meeting, or at any special meeting that may be called by the directors of said company, to any sum not exceeding one million dollars, (\$1,000,000). The immediate government and direction of said company shall be vested in five directors, who shall be chosen by the stockholders of said company, in the manner hereinafter provided, and shall hold their offices for one year after their election, and until others shall be duly elected and qualified to take their places as directors, and the said directors, a majority of whom shall form a quorum for the transaction of business, shall elect one of their number to be president of the company. The

Corporators.

Name and style.

Powers and privileges.

Location of road

Width of road.

Capital stock.

Directors.



said board of directors shall have power to appoint all necessary clerks, secretaries and other officers necessary in the transaction of the business of the said company. Officers.

§ 3. The said corporation is hereby authorized by its agents, surveyors, and engineers to cause such examinations and surveys to be made of the ground and country along the proposed line of said road as may be necessary, and it shall be lawful for said company to enter upon and take possession of and use all such lands and real estate as may be necessary for the construction and maintenance of their said railroad, its depots, side-tracks, water stations, engine houses, machine shops, and other buildings and appendages, necessary to the construction and working of the said road : Survey of routes  
*Provided*, that all land or real estate entered upon and taken possession of and used by said corporation for the purposes aforesaid, which are donated to said company, shall be paid for by said corporation, at such price as may be mutually agreed upon by the said corporation, and the owner or owners of such land, and in case of disagreement, the price shall be estimated, fixed and recovered in the manner now provided by law, condemning right of way for purposes of internal improvement. Powers.

§ 4. The time of holding the annual meetings of said company for the election of officers and directors shall be fixed and determined by the by-laws of said company ; and the capital stock of said company shall be divided into shares of fifty dollars each, and at all meetings each share of stock shall confer a title to one vote to be given by its holder, either in person or by proxy : *Provided*, that all installments upon such share which shall have been properly called for shall have been paid. Annual election.

§ 5. The persons named in the first section of this act are hereby appointed commissioners, who, or a majority of whom, are hereby authorized to open subscription books for said stock at such places as they may deem proper, and shall keep said books open until twenty-five thousand dollars of said capital stock shall be taken ; said commissioners shall require each subscriber to pay ten per cent. on the amount of his subscription at the time of subscribing. The said commissioners shall immediately thereafter call a meeting of the stockholders by giving thirty days' notice in some newspaper printed in Brown county, in the state of Illinois, and at such meeting it shall be lawful to elect the directors of said company ; and when the directors of said company are chosen the said commissioners shall deliver said subscription bookswith all sums of money received by them as commissioners to said directors. Books opened.

§ 6. If any person shall willfully, maliciously or wantonly, and contrary to law, obstruct the passage of any car on said railroad, or any part thereof, or anything belonging thereto, or shall damage, break or destroy any part of the Ten per cent. stock.  
Malicious mis-chief.



said railroad or implements or buildings, he, she or they, or any person assisting, shall forfeit and pay to said company for every such offense treble the amount of damages that shall be proved before any competent court to have been sustained, and be sued for in the name and behalf of said company, and such offender or offenders shall be deemed guilty of a misdemeanor, and shall be liable to an indictment in the same manner as other indictments are found in any county or counties where such offenses shall have been committed, and upon conviction every such offender shall be liable to the pains and penalties in such case by law prescribed.

Indictments.

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

Union of roads.

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

Right of way.

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

Pass.

By-laws.

§ 10. In case of death, resignation or removal of the president, vice president, or any director at any time before the annual election, such vacancy shall be filled for the remainder of the year, whenever they may happen, by the board of directors, and in case of absence of the president and vice president, the board of directors shall have power to appoint a president, *pro tempore*, who shall have and exercise such powers and functions as the by-laws of the

Vacancy.

When taken.

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

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

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

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

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

§ 15. The directors of said company, after the organization of the same, shall have power to open books in the

Lands taken.

Crossing roads.

Proviso.

Borrow money.

Security by mortgage.

Sell bonds.

Additional capital.

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

Width of road.

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

§ 17. This act shall be considered a public act, and shall take effect and be in force from and after its passage, and shall be subject to any general law that shall hereafter be passed by the general assembly regulating the tariff for transporting freight and passengers over said road.

APPROVED February 16, 1865.

In force April 18, 1865. AN ACT to revive the act to incorporate the Belleville and Illinoistown Railroad Company, approved February 12, 1849, 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 said act be and the same is hereby revived, and the time limited therein for the completion of the railroad provided for in said act to five years, be extended another five years from the passage of this act.

Act revived for five years.

Names added.

§ 2. That there be added to the corporators named in the act hereby revived, the following, viz: Sharon Tyndale, John Thomas, Thomas Quick, Abraham A. Van Wormer, and James B. Spear.

Proviso.

§ 3. That the powers, rights, privileges and immunities granted by the "Act to incorporate the Belleville and Illinoistown Railroad Company," approved June 21, 1852, be granted to the corporation hereby created, anything in the act hereby revived to the contrary notwithstanding: *Provided*, that nothing contained herein shall be construed as taking away any of said powers, rights, privileges or immunities from the company incorporated by said act of 1852.

APPROVED February 16, 1865.

AN ACT to amend the charter of the Belleville and Southern Illinois Railroad, approved February 14, 1857. In force April 18, 1865.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the first 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 add at the end of said section the following words, viz: "and to extend the same at any time to the bank of the Mississippi river." Extension of road.

APPROVED February 16, 1865.

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AN ACT to amend section number one of the charter of the Belleville and Southern Illinois Railroad. In force April 15, 1865.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That section number one of the charter of the Belleville and Southern Illinois Railroad, approved February the 14th, 1857, be and the same is hereby amended so as to strike out the names of "W. W. Roman and J. L. Mann," and insert in lieu thereof the names of "Nathaniel Niles and William K. Murphy;" and further to add to said section, as corporators, the names of "T. B. Cantrell, George C. Eisenmeyer, Samuel Holli-day, George W. Wall, and Thomas H. Burges." Names out and others in.

APPROVED February 16, 1865.

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AN ACT to revive the charter of the Bloomington, Kankakee and Indiana Railroad Company. In force Feb. 16, 1865.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That an act entitled "An act to incorporate the Bloomington, Kankakee and Indiana State Line Railroad Company," approved February 13, 1855, be and the same is hereby revived and re-enacted, and declared to be in full force and effect, with the exception of the fifteenth section of said act, which limits the time for commencing and finishing said road. Act revived. Exception.

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

APPROVED February 16, 1865.



In force Feb. 16,  
1865.

AN ACT to incorporate the Danville and Mattoon Railroad Company.

Corporators.	SECTION 1. <i>Be it enacted by the People of the State of Illinois, represented in the General Assembly,</i> That Daniel Clapp, Joseph G. English and John J. Partlow, of Danville, Vermilion county, Blakey Pilkington, Simeon W. True and Stephen D. Dole, of Mattoon, Coles county, J. J. Pemberton, of Oakland, Coles county, Robert E. Barnett, Harvey Sanduskey and James Ganes, of Vermilion county, and their associates, successors and assigns, are hereby created a body corporate and politic, under the name and style of
Name and style.	"The Danville and Mattoon Railroad Company," with perpetual succession, and by that name be and they are hereby made capable in law and equity to sue and be sued, plead and be impleaded, defend and be defended, in any court of law and equity in this state or any other place; to make, have and use a common seal, and the same to renew and
Powers.	alter at pleasure; and shall be and are hereby vested with all the powers, privileges and immunities which are or may be necessary to carry into effect the purposes and objects of this act as hereinafter set forth; and said company are hereby authorized and empowered to locate, construct and finally
Location of road	complete a railroad, commencing at Danville, Vermilion county, Illinois, or within one mile of that place, and thence on the most direct, cheapest and most practicable route to Mattoon, Illinois, or within one mile of the said city of Mattoon; and for this purpose said company is authorized, upon the most eligible route, to lay out their said road, not exceeding one hundred feet in width through the whole
Width of road.	length; and for the purpose of cuttings and embankments, stone and gravel, may take as much more land as may be necessary for the proper construction of said railroad.
Capital stock.	§ 2. The capital stock of said company shall consist of one million of dollars, to be divided into shares of fifty dollars each. The immediate government and direction of said
Directors.	company shall be vested in a board of directors, who shall be chosen by the stockholders of said company in the manner hereinafter provided, who shall hold their offices for one year after their election and until others shall be duly elected and qualified to take their places as directors, a majority of
Quorum.	whom shall constitute a quorum for the transaction of business; shall elect one of their number to be president of the company; that said board of directors shall have power to appoint all necessary clerks, secretary, treasurer and other
Officers.	officers necessary in the transaction of the business of said company.
Surveys.	§ 3. The said corporation are hereby authorized, by their agents, surveyors and engineers, or in person of the corporators herein named, to cause such examination of said ground and country between the above described points, as shall be necessary to determine the most advantageous and

proper route whereon to construct their said railroad; and it shall be lawful for said company to enter upon and take possession of and use all such lands and real estate as will or may be necessary for the construction and maintenance of said road, its depots, side tracks, water stations, engine houses, machine shops and other buildings and appendages necessary to the construction and working of said railroad: *Provided*, that all the land or real estate entered upon or taken possession of and by said corporation, for the purpose and accommodation of said railroad, or upon which the site of said railroad shall have been located or determined by said corporation, shall be paid for by said company in damages, if any be sustained by the owner or owners thereof, by the use of the same for the purposes of said railroad; and all lands entered upon or taken for the use of said corporation, which are not donated to said company, shall be paid for by said corporation at such price as may be mutually agreed upon by said corporation and the owner or owners of such lands; and in case of disagreement, the price shall be estimated, fixed and recorded in the manner provided for taking lands for the construction of public roads, canals and other works, as prescribed by the act concerning the right of way, approved March 3, 1855, or according to the provision of an act entitled "An act to amend the law condemning the right of way for the purposes of internal improvement," approved July 22, 1852.

Right of way.

Proviso.

Damages.

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

Wanton mischief

Indictment.

Fines.

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

Annual meeting.

First directors.

§ 6. That Daniel Clapp, Joseph G. English, John J. Partlow, Blakey Pilkington, Simeon W. True, Stephen D. Dole, J. J. Pemberton, Robert E. Barnett, Harvey Sanduskey and James Ganes are hereby appointed a board of directors, who, or a majority of whom, after a meeting duly called, shall have power to transact all needful business for the interests of said company, for the purpose of building said road and running the same, and who shall also have power to open subscription books for stock for said company, after advertising in newspapers at the termini or on the line of said road, or by posting advertisements in conspicuous places for not less than ten days previous to opening said subscription for stock at Oakland, in Coles county, at Mattoon, in Coles county, and at Danville, in Vermilion county. Said directors, or their duly appointed agents, may require ten per cent. to be paid in cash, or by giving notes, if they think necessary, on all stock subscribed to said railroad at the time the subscription is taken. And said directors shall continue to hold their office till their successors shall be elected.

Right of way.

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

By-laws.

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

Vacancy.

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

Elections.



cause be deemed dissolved, but such election shall be held at any time directed by the by-laws of said corporation.

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

Crossing other roads.

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

Borrow money.

Execute bonds.

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

Sell bonds.

§ 13. That the said company, in securing the payment of said bonds by mortgage or deed of trust on the road, property and income of the company, shall have power to execute a mortgage or deed of trust as aforesaid, to secure the payment of the full amount of bonds which the company may, at the time the said deed of trust or mortgage bears date, or at any time thereafter, desire to sell and dispose of, and may execute and sell from time to time, such amounts of said bonds, and of such dates, and payable to such person or persons, as to the directors of said company may seem advisable, till the whole amount of bonds mentioned in such mortgage or deed of trust is executed and sold; and the said mortgage or deed of trust shall be as valid and effectual to secure the payment of the bonds so executed and sold and every part thereof, as if the same and every part

Deeds of trust.



thereof had been executed of even date with said deed of trust or mortgage.

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

APPROVED February 16, 1865.

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In force Feb. 16, 1865. AN ACT to amend the charter of the Fulton Railroad Company, approved February 21, 1863.

Branch road.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the Fulton railroad company is hereby authorized and empowered to construct and operate a branch railroad, from some point on their main line to such point on the line of the Galena division of the Chicago and Northwestern railroad company as the said Fulton railroad company may select; and all the provisions of the charter of the said Fulton railroad company which apply to and authorize the construction and operation of the main line of the said company, shall apply to the branch railroad hereby authorized to be constructed.

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

APPROVED February 16, 1865.

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In force Feb. 16, 1865. AN ACT to authorize the Great Western Railroad Company of 1859 to increase the capital stock of said company.

Stock increased

SECTION. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the Great Western Railroad Company of 1859, be and is hereby authorized to increase its capital stock to five millions of dollars: *Provided,* that said company shall not sell any part of said stock below par.

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

APPROVED February 16, 1865.

AN ACT to amend an act entitled "An act to incorporate the Highland and St. Louis Railroad Company." In force Feb. 15, 1865.

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 incorporate the Highland and St. Louis Railroad Company," in force, February 12, 1859, as requires said company to commence one section of its said road within five years and to complete the same within ten years from the passage of said act, be and the same is hereby repealed; and that section seventeen of the said act, is hereby so amended, that said company shall commence the construction of one section of its said road, within four years and complete the same within seven years, from the passage of this amendatory act; and that the organization of the company effected under the same, and the rights, powers and privileges, conferred upon them by said act, shall not be in any wise affected by reason of their not commencing their work within five years from the passage of said act, but shall remain in full force, the same as if no such limitation had been inserted in said act. Part of act repealed.

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

APPROVED February 15, 1865.

AN ACT to incorporate the Illinois and Fox River Railroad Company. In force Feb. 16, 1865.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That A. J. Joselyn, I. J. Burchell, A. M. Harrington, J. W. Eddy, William Coffin, Daniel Volentine and W. B. Allen, of the county of Kane; John W. Chapman, A. B. Smith, Robert Hopkins and Jacob P. Black of the county of Kendall; C. H. Goold, Perry A. Armstrong, George F. Brown and Philip Collins, of the county of Grundy, and their associates, successors and assigns, are hereby created a body corporate and politic under the name and style of "The Illinois and Fox River Railroad Company," and by that name may be and are hereby made capable in law and equity, to sue and be sued, plead and be impleaded, defend and be defended, in any court of law or equity in this state or in any other place; to make, have and use a common seal, and the same to renew and alter at pleasure; and shall be and are hereby vested with all the powers, privileges and immunities which are or may be necessary to carry into effect the purposes and objects of this act, as hereinafter set forth; and the said company is hereby authorized and empowered to locate, survey, construct and complete, a railroad with Corporators.

one or more tracks and the necessary switches, turn tables, side tracks, depots and other required buildings and structures: commencing at the city of Elgin, in the county of Kane, in the state of Illinois; running thence south, through or near the villages of St. Charles, Geneva, Batavia, and the city of Aurora, in the county of Kane; Oswego, Bristol and Yorkville in the county of Kendall, to the city of Morris in the county of Grundy, in said state of Illinois; with the privilege of extending said railroad through the coal fields south of said city of Morris, to intersect with the Alton and St. Louis railroad at some point within the limits of said county of Grundy.

Right of way.

§ 2. For the purpose of acquiring the right of way, (one hundred feet in width along the entire length of said road,) for the construction of said road, with required side tracks, turn outs, switches, and grounds for depots, stations and other necessary buildings, erections and structures, and for the purpose of obtaining stone, gravel or other material for grading, ballasting or repairing the same, and right of way to said material, the said company is hereby authorized and empowered to take, condemn and use the same, under the provisions of "An act to amend the law condemning the right of way for purposes of internal improvements," approved June 22, 1852; and should said road intersect or cross the track of any other railroad, water course or highway, it shall be lawful for said company to construct their road across or upon the same: *Provided*, that said company shall restore said railroad track, water course, or highway, so intersected or crossed, to its former state, without materially impairing its usefulness.

Proviso.

Capital stock.

§ 3. The capital stock of said company shall be one million dollars, and may be increased for the purpose of completing and fully equipping said road, to the sum of two millions of dollars and no more. Said stock shall be divided into shares of one hundred dollars each. The government and direction of said company shall be vested in seven directors, to be chosen annually by the stockholders of said company, in the manner to be prescribed by the by-laws which said company may hereafter adopt.

Books of subscription.

§ 4. The incorporators named in this bill are hereby authorized to open subscription books for said stock, at such places as they may deem proper, until an amount equal to one thousand dollars per mile of said road is subscribed, when they shall call a meeting of the stockholders, at the city of Aurora, having first given thirty days' public notice thereof, for the purpose of electing seven directors, to complete the organization of said company. At said election each stockholder shall be entitled to one vote for each share of stock held. The directors shall organize, by the election of one of their number as president, and adopt such rules and by-laws for the government of said company as they

Directors.

may deem expedient, not conflicting with the laws and constitution of the state of Illinois.

§ 5. This act shall be in force from and after its passage.  
APPROVED February 16, 1865.

AN ACT to incorporate the Illinois River and Pana Railroad Company. In force Feb. 16, 1865.

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

§ 2. That Lucius Berry, S. W. Skilling, James Leighton, Alexander Starne, Moses Hainesfurther, Starkey Powell, L. E. Worcester, Isaac D. Vedder and I. W. Gregory 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, by themselves or duly authorized agent or agents, to open books for that purpose, giving notice of the time and place where said books will be opened, at least thirty days previous thereto, by publication in such newspapers as said commissioners may designate. Said commissioners, or a majority of them, shall attend at the place appointed for the opening of said books, and shall continue to receive subscriptions, either personally or by such agents as they shall appoint for that purpose, until the sum of fifty thousand dollars is subscribed. The said commissioners shall give twenty days' notice, by publication in some newspaper, of an election by said stockholders of a board of directors, as hereinafter provided, for the management of said company, at such time and place appointed for that purpose. The commissioners, or a majority of them, shall attend and act as inspectors of



said election, and the stockholders present shall proceed to elect thirteen directors by ballot, and the commissioners present shall certify the result of such election under their hands, which certificate shall be recorded in the record book of said company, and shall be sufficient evidence of the election of the directors therein named. The directors thus elected shall hold their offices for one year, and until their successors are elected and qualified.

Term of directors.

Capital stock.

§ 3. The capital stock of said company shall be five hundred thousand dollars, which shall be divided into shares of one hundred dollars each, and may be increased by the directors of said company to any sum or amount not exceeding two millions of dollars, if necessary so to do, for the object of this corporation; and the same shall be subscribed for and taken under the direction of the board of directors of said company, in such time and place and manner as they shall from time to time direct. The shares in said company shall be deemed and considered personal property.

Annual election.

§ 4. The affairs of said company shall be managed by a board of thirteen directors, to be chosen annually by the stockholders from among themselves. At all elections for directors each stockholder shall be entitled to one vote for each share held by him, and may vote either personally or by proxy. In case of any vacancy in the board of directors, the same may be filled at any meeting of the board. Said directors shall choose one of their number as president, and may choose such other officers for the corporation as they may think necessary, and prescribe their duties.

Calls on stock.

§ 5. It shall be lawful for the directors to make calls upon the sums subscribed to the capital stock of said company, at such times and in such amounts, not exceeding ten per cent. per month, as they shall deem fit, giving at least (30) days notice of said calls; and in case of failure on part of the stockholders to make payment of any call made by said directors, for sixty days after the same shall have been due, the said board of directors are hereby authorized to declare said stock so in arrears, and all sums paid thereon forfeited to said company.

Route of road.

§ 6. The said company are hereby authorized and empowered to locate and to maintain and operate a railroad, with a single or double track, and with such appendages as may be deemed necessary by the directors, for the convenient use of the same, from Phillips' Ferry, a point where the Naples and Hannibal railroad crosses the Illinois river, thence to intersect the Jacksonville and Alton railroad, thence to the town of Pana, in Christian county, and they are authorized to survey and determine the lines of said road upon such routes as the said company shall deem most eligible.

§ 7. The said company are hereby authorized, by their Right of way. engineers and agents, to enter upon any lands for the purpose of making the necessary surveys and examinations of said road, and to take and hold all lands necessary for the construction of said railroad and its appendages, making just and reasonable compensation to the owners of said lands for any damages that may arise to them from the building of said railroad; and in case said company shall not be able to obtain the title to the lands through which said railroad shall be laid, by purchase or by voluntary cession, the said company are hereby authorized to ascertain and determine the damages sustained by such owner or owners, in the manner as is provided and prescribed by the several chapters of the Revised Statutes of this state entitled "Right of Way."

§ 8. The said company are authorized and empowered Borrow money. to borrow, from time to time, such sums of money, not exceeding the capital stock of said company, as in their discretion may be deemed necessary to aid in the construction of said road, and to pledge and mortgage said road, or any property, effects or franchises of the said company, as security for any loan, as aforesaid.

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

APPROVED February 16, 1865.

AN ACT to incorporate the Madison County Railroad.

In force Feb. 15,  
1865.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That Andrew W. Metcalf, George W. Phillips, Frederick T. Krafft, Edward M. West, William Y. Brown, David Gillespie, Henry Ritter, Thomas I. Barnsback, John C. Burroughs, F. B. Job, Charles Sebastian, Robert Barth, Thomas Judy, Henry C. Moore, William J. Ball, William E. Hendricks, and Joseph Gillespie, and such other persons as they may associate with them, and their successors, are hereby constituted a body corporate and politic, by the name and style of the "Madison County Railroad Company," with perpetual succession, and by that name and style shall be capable, in law or equity, of suing or being sued, pleading or being impleaded in any suit in law or equity, in this state, and of taking, purchasing, holding, leasing, selling, and conveying estate or property, whether real, personal or mixed, so far as the same may be necessary for the purposes hereinafter mentioned; and may have a common seal, and the same alter and renew at pleasure; and may have and exercise all

Corporators.

Name and style.  
Powers.

the powers, rights, privileges and immunities which are or may be necessary or proper to carry into effect the purposes and objects of this act.

Width of road.

§ 2. The Madison County Railroad Company shall have full power and authority to locate, construct, finish and maintain a railroad, with one or more tracks, commencing at some suitable point at or near the town of Edwardsville, in Madison county, Illinois, and running from thence to a point of intersection with either the Belleville branch of the St. Louis, Alton and Terre Haute Railroad, or the St. Louis and Alton Railroad, at any point between the city of Alton and East St. Louis, or to the Mississippi river at any point between Alton and St. Louis, upon the most eligible route; and to transport, take and carry property and persons upon said railroad, by power or force of steam or animals, or any mechanical or other power, or combination of them, which said company may choose to apply. And for the purpose of constructing said railroad or way, said company shall have authority to lay out, designate and establish their road, in width not exceeding two hundred feet, through the entire line thereof, and may take and appropriate to their own use all such lands so designated for the line and construction of said road, upon first paying or tendering therefor the amount of damages as shall be settled by appraisal, in the manner provided for by the general laws of this state, on all such lands or premises as may be taken upon any track upon which said road may be located; and for the purposes of cuttings and embankments, and of obtaining stone and gravel, may take and appropriate as much more land as may be necessary for the proper construction, maintenance and security of said road; and for constructing shops, depots, and other suitable fixtures as appurtenant to said road, may take, have, hold and use any lands on either or both sides of said road, not exceeding three hundred feet in width, said company taking all such lands as gifts or purchases, or by making compensation as above provided.

Same limits.

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

Right of way.

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



benefits to be derived to the owner or occupier from the construction and operation of said road, in pursuance of the constitution and laws of this state.

§ 5. The capital stock of said company shall be one million of dollars, with the right to increase the same to an amount equal to the cost of constructing and equipping said road and operating said business, and digging, carrying and selling the coal and timber authorized to be done under this act, which stock shall be divided into shares of one hundred dollars each, and shall be deemed personal property, and may be issued, transferred and registered in such manner and at such places as may be prescribed by said company, which shall also prescribe and provide the time and manner in which all subscriptions of stock may be made and paid; and may authorize and conduct all actions and suits at law or in equity for the recovery of such subscriptions or installments, or portions thereof, as they may deem necessary, and may in addition declare all stock upon which any installment is due and unpaid forfeited, and the same may be transferred, either to said company or to any subsequent purchaser thereof, which proceeding may be had upon, and after such notice and the expiration of such time as may be provided for by the said company through the board of directors.

Capital stock.

Forfeited stock.

§ 6. The above named persons, or a majority thereof, shall constitute the first board of directors of said company, one of whom shall be elected president of the board. The first meeting shall be held at Edwardsville, and the subsequent meetings at such times and places as may be provided by said company. The first meeting may be held at any time when two-thirds of the above named directors shall meet together with or without previous notice. Said incorporators or directors shall hold their offices until their successors are elected and qualified, and their successors shall be elected and hold office for one year and until their successors are elected and qualified. The directors shall prescribe the time and place of elections of directors and of the president, secretary, treasurer and other officers of the company, and the qualifications of those voting and to be voted for. The secretary shall keep and preserve a correct record of all the proceedings and doings of the board of directors, and of such duties as may be required of him; the book or books in which such records shall be kept shall be *prima facie* evidence of the truth of such records in any court or place of judicature in this state, wherein such company shall be a party. Vacancies in the board of directors may be filled by two-thirds of the remaining members until the next election. The said board of directors may, at any meeting, direct the opening of books of subscription to the capital stock of the company at such times and places, and in such manner and upon such notice as they may deem

First board.

Elections.

Record.

Vacancies.



Commencement  
of road.

advisable. They shall have power to prescribe the amount which shall be paid in at the time of subscription. They may also commence the construction of said road without reference to the amount of stock which may be subscribed at the time of such commencement. Said company shall have power to appoint a treasurer and prescribe his duties, and shall require bond, with security, for the faithful performance of his duties, which shall be binding in law and equity. Said company shall have power to regulate the tolls, charges and rates for the transportation of freight and passengers upon said road, and may change and alter the same at pleasure, provided that due notice of such change be given as may be provided for by the board of directors. The company shall have the right to build, purchase or hire all the necessary rolling stock for the use and operation of said road. The said company shall furthermore have the power to purchase and hold, not to exceed two thousand acres of land, in the neighborhood or vicinity of their said road, for the purpose of mining, transporting and selling the coal, timber, or any other mineral or vegetable product thereof, but for no other use or purpose whatever; and the said company shall have the power to employ as many operatives as are necessary for the purpose of carrying on the business of coal mining, cutting timber, boring for, distilling and purifying petroleum, coal or rock oil, coal tar, or any other product of said land; and the said company is authorized to sell and convey all or any part of said lands, and to purchase and hold other lands, from time to time: *Provided*, that said company shall not own at any time more than the quantity of land above specified.

By-laws.

§ 7. Said company shall have power to make, ordain and establish such by-laws, rules and regulations for the government of the affairs of said company, as may be deemed proper and not inconsistent with the constitution and laws of this state or of the United States. It may cross with its road any other railroad, highway, dike, embankment or water course, so as not so impair its usefulness. The property of said company shall be liable to taxation as other property, and the secretary thereof render to the county court of Madison county, Illinois, whenever required, a statement, under oath, of the cost of construction and equipment of said road, and the value of the rolling stock and other property of the company; upon which oath, if willfully and knowingly false, perjury may be assigned as in other cases; and no dividend shall be paid to any stockholder until said taxes are paid or set apart for payment.

Crossing  
roads. other

Damage done to  
road.

§ 8. Any person who shall willfully and maliciously do or cause to be done any damage to said road, or to any car, machine, engine, structure or building, bridge or culvert, appertaining to said road, or who shall stop or obstruct, or

attempt to stop or obstruct, any car or vehicle in motion, or expected to be in motion, shall be punished by indictment, and fined in a sum not exceeding one thousand dollars, and imprisoned in the penitentiary not exceeding five years; unless in case when death shall result from such obstruction, in which event, if it shall happen by reason of any person maliciously weakening any part of said road, or its fixtures, or by placing obstructions thereon, or otherwise causing said road to be dangerous to life or limb, the person committing said acts, or causing them to be committed, whereby any death ensues, shall on conviction be deemed guilty of and punished for murder. Capital offense.

§ 9. The said company is authorized to borrow such sum or sums of money as may be necessary to construct and operate its road, and to issue and dispose of its bonds in such denomination and at such rates of interest or discount, and in such form and upon such terms and conditions as to them shall seem best for effecting the speedy completion of said road and the carrying on of the business herein authorized. Borrow money.

§ 10. No forfeiture shall take place by reason of the non-completion of the whole of said road, but such part as may be completed may be operated by the company. And the state of Illinois hereby cedes and surrenders to the company incorporated under this act, the grade, track, right of way, and all other rights, privileges and appurtenances, belonging to so much of the Alton and Mount Carmel railroad as lies between Alton and Edwardsville, aforesaid. And the company is hereby authorized and empowered to enter upon, take, hold and enjoy all the track, grade, right of way, and privileges, aforesaid, in as full and ample a manner as the said state could do. Rights of stock ceded.

§ 11. The company hereby incorporated may make any agreement or arrangement it may deem proper, with any other company, whereby it may procure its said road to be constructed and operated by said other company; or it may become incorporated into, and form a branch or part of, any other railroad or mining company; and any other company or combination of persons, with whom it may be desirable to form such connections, is hereby authorized and empowered to make all suitable arrangements for the consummation of such object, anything in their charter notwithstanding; and the said companies, when combined, may take upon themselves any name or style of designation they may think proper; and they shall be vested with all powers of each, or both, or all of the companies, and may borrow money upon mortgage or deed of trust, upon the property of one or all of said companies, at their option. In the event that no union with any other company is effected, the company hereby incorporated may execute valid mortgages or deeds of trust upon its property of all kinds, which shall May consolidate.

be valid and binding, in law or equity, to secure the payment of any of its bonds or indebtedness, according to their tenor and effect.

Fare and freights

§ 12. It shall be the duty of the first board of directors chosen by the stockholders to arrange and settle upon a tariff of rates for the transportation of persons, and of every description of freight which may be brought to their depots or places of business; and the same shall be safely, and speedily carried, taken and delivered, according to the usual mode among common carriers; and the said company shall be liable to a fine of one hundred dollars for refusing or neglecting to carry any person, or any such article of freight, if properly presented to them within a reasonable time and in a proper manner, to be recovered before any justice, or any other court having jurisdiction.

Damage crossings. for

§ 13. Whenever it shall be necessary to intersect or cross any other railroad or highway, dike, embankment, stream, etc., the terms and manner on which the crossing or intersection shall be made, if not agreed upon by the proper parties, shall be settled and the damages fixed by the commissioners appointed to assess damages, as in other cases.

Branch road.

§ 14. The said company shall have power to construct all branch roads, either Macadamized, plank or railroads, as may be necessary and proper to afford suitable connections between the main track and any mines of coal, petroleum, or other mineral product of their lands; which shall be done under the same powers, rights and liabilities as are provided herein with reference to the main line of road.

County may take \$20,000 stock.

§ 15. The county of Madison is hereby authorized to subscribe to the capital stock of said company, to an amount not to exceed twenty thousand dollars, and to issue its bonds for the same, upon such terms as may be agreed upon between the county and the company: *Provided*, that no such subscription of stock shall be made, unless the voters of said county shall, at an election, upon due notice, vote for and decide in favor of such subscription.

Proviso.

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

APPROVED February 15, 1865.

AN ACT to enable the Illinois Central Railroad Company, the Chicago, Burlington and Quincy Railroad Company, the Michigan Central Railroad Company, and the Chicago and Northwestern (late the Galena and Chicago Union) Railroad Company, to own, jointly, a certain piece of railroad in the city of Chicago. In force Feb. 16, 1865.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in [the] General Assembly,* That it shall be competent and lawful for the Michigan Central Railroad Company, the Chicago, Burlington and Quincy Railroad Company, the Chicago and Northwestern (late the Galena and Chicago Union) Railroad Company, and the Illinois Central Railroad Company, and their respective successors, to own, jointly, and jointly to maintain and operate that piece of railroad, situate in the city of Chicago, and county of Cook, now constructed and used by them, extending from a point on the west bank of the south branch of the Chicago river, north and near Eighteenth street, where their railroad bridge now crosses said branch, eastward to the junction with the Illinois Central Railroad, at or near the round house of the latter company, with authority, jointly, to own and maintain the said bridge across the said south branch of the Chicago river, and the right of way and land upon which said railroad is constructed, together with such side tracks and other tracks forming connections with other railroads, as now are or may hereafter be constructed and used by them in connection with said piece of railroad. Joint ownership.

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

APPROVED February 16, 1865.

AN ACT to enable the Michigan Central Railroad Company to acquire and hold real estate. In force Feb. 16, 1865.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in [the] General Assembly,* That it shall be competent and lawful for the Michigan Central Railroad Company to acquire and hold in fee simple, any real estate which may be necessary and convenient for the station grounds, depots, and other purposes, connected with its business at Chicago, and required for the easy and convenient transaction of its passenger and freight traffic, and for the easy connection of its trains with other railroads, and for the stock yards, and for such other purposes connected with its business as may require the use and occupancy of real estate; and the title to all such property shall be as good and valid as if the said company were a corporation, and doing business and organized under the laws of this state Hold real estate.



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

Approved February 16, 1865.

In force April 17,  
1865.

AN ACT to incorporate the Mississippi Railroad Company.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That Randall W. Smith, H. W. Thornton, E. P. Barton, George A. Thomson, John H. Addams, are hereby made and constituted a body politic and corporate, by the name and style of "The Mississippi Railroad Company," with perpetual succession, and by that name and style shall be capable, and hereby empowered and authorized, in law, of taking, purchasing, holding, leasing, selling and conveying real and personal estate and property, so far as the same may be requisite and necessary for the purposes hereinafter mentioned; and in their said corporate name may sue and be sued, plead and be impleaded, defend and be defended in all courts and places; to have a common seal which they may alter and renew at pleasure; to have a capital stock of five millions 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 the corporation, to any sum requisite for the completion and fulfillment of the objects and purposes of the corporation hereby created; and the said above named persons shall be and constitute the first board of directors, and are hereby vested with, and may have and exercise all powers, rights, privileges and immunities which are or may be necessary to carry into effect and complete use, and enjoy the purposes and objects of this act as hereinafter set forth.

§ 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 Wednesday of October following their organization, and until their successors shall be elected and qualified as hereinafter 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.

§ 3. The said company are hereby authorized and em- Build railroad.  
 powered to locate, and, from time to time, to alter, change, re-locate, construct, re-construct, and fully to finish, perfect, operate and maintain a railroad, with one or more tracks, from the city of Galena, in Jo Daviess county, to Rock Island, in Rock Island county, in this state, and to determine and locate the line of said railroad upon such route Line of road.  
 and line between said points as may be deemed proper and advantageous by said company; said company are hereby authorized and empowered to commence the construction of any portion of said railroad, at such place and places along the line of the route to be selected by said company, as it may be deemed expedient and advantageous, so to construct the same by said company; and the said company are further authorized to use and operate said railroad, and shall have power and authority to regulate the time and manner in which goods, effects and persons shall be transported on the same, and to prescribe the manner in which said railroad shall be used, and the rate of toll for the transportation of persons or pro- Rates of toll.  
 perty 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.

§ 4. Said directors shall, as soon after the passage of Books for stock.  
 this act as practicable, open books for the purpose of receiving subscriptions 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.

§ 5. It shall be lawful for said company, their officers, Survey of route.  
 engineers and agents, to enter upon any land for the purpose of exploring, surveying and locating the route of said road, doing thereto no unnecessary damage, and when said route shall be determined by the said company, it shall be lawful for them, their agents, officers, engineers, contractors and servants, at any time, to enter upon, take possession of and Right of way.  
 use such lands, not exceeding one hundred and fifty feet in width, along the line of said route, subject however to the payment of such compensation as the company may have agreed to pay therefor, or such as shall be ascertained in the manner hereinafter directed, and provided in such cases respectively; and said company are further authorized by their officers, engineers, agents and servants, to enter upon

Damages, how  
paid.

Committee to  
assess damages.

Vacancy.

lands adjacent to the railroad, beyond the limits of one hundred and fifty feet, in the manner provided in this act, when necessary for the purpose of erecting depot buildings, station houses, and necessary fixtures for the operation and for the business of said road, and for the purpose of making drains and giving a proper direction to water courses across or along said road, when the same are necessary, beyond the limits of said road, and to remove all substances and things which might endanger, obstruct or interfere with the free use of said road, and to deposit earth, gravel or stone, taken from cuts, and to obtain earth, gravel, stone, and other materials for embankments and structures necessary to the construction and repairs of said road, doing however no unnecessary damage, and all lands so acquired, and all damages which shall be done to any lands or property under the provisions of this section, shall be ascertained and paid for in the manner and agreeably to the provisions hereinafter provided; and when such damage shall have been paid for or tendered, the title to the land occupied by such railroad fixtures, excavations and embankments, shall vest in fee simple in said company. It shall be lawful for any judge of the circuit or county courts of this state, on application of the said company, either in term time or vacation, and at the cost of the said company to appoint three disinterested persons, residing in the county where such lands are situate, not of kin to the owner or owners thereof, whose duty and charge it shall be to view and examine all the lands so taken in said county, with the buildings and improvements, if any thereon, and to estimate the value of the land so taken or required by said company, and all damages which the owner or owners thereof shall sustain or may have sustained, by reason of the taking of the same for the construction and use of said road or works appertaining thereto, taking into consideration the advantages as well as the disadvantages of the same, by means of the construction and operation of the said road to the said owner or owners; and when said commissioners are so appointed they shall act in all cases arising in said county requiring the action of commissioners whenever said company shall be unable to agree with the owner or owners of said land; but if for any cause either or all of said commissioners shall become disqualified to serve, or their place or places become vacant, such vacancy or vacancies may be filled in the same manner that the original appointment was made. And it shall be the duty of the said company to give two weeks' notice of their application to a judge of the circuit or county court, for the appointment of the said commissioners, to be published for two successive weeks, in a newspaper published in the county in which said lands may be, or if no newspaper be printed in said county, then in a newspaper published in the city of Springfield, and the affidavit of the publisher or printer shall be



legal evidence of such publication; and the persons so appointed, before entering upon the discharge of such duties, shall take an oath before some justice of the peace or other person competent to administer oaths, faithfully and according to the best of their abilities, to examine the several pieces or parcels of land so taken or required by said company, and impartially to estimate and appraise the value of the same, and the damage or injury which the owner or owners of each piece or parcel thereof shall have sustained or may sustain by reason of the taking and using thereof by the said company, over and above the benefits and advantages which said owner or owners shall derive from the construction of such railroad; thereupon such commissioners shall proceed to examine the premises and estimate the value of such land and the amount of damages, if any, over and above the benefits and advantages which may accrue to such owner or owners, as aforesaid, and shall make a report, in writing, of such valuation, under their hands and seals, to the clerk of the circuit court of the county where the land lies, and shall return the same within twenty days after making their appraisal to the clerk of the circuit court of the county in which the land lies; and it shall be the duty of said clerk to file the same, and in case no appeal shall be made within twenty days after the filing of the said reports, as hereinafter provided, then the said clerk shall record the same at the expense of the said company, and judgment of the said court shall be entered thereon, either in term time or vacation, on motion of either party: *Provided*, that either party may appeal to the circuit court of the county in which said lands shall lie, within twenty days after said report shall have been filed in the clerk's office of said court; and such appeal shall be tried in the same manner as other issues are tried in said court, and the jury empaneled to try the same shall find the value of the land so taken, or required by said company, and the damages which the owner or owners thereof shall have sustained or may sustain by the taking of the same, over and above the benefits which will accrue to such owner or owners from the construction of such railroad, and the judgment of the court shall be entered accordingly. Such appeal shall be taken by giving notice thereof to the clerk of the said court, in writing, and thereupon the clerk shall enter the same upon the docket of said court, setting down the railroad company as defendant and the said claimant or claimants as plaintiff: *Provided, also*, that it shall not be lawful for the said commissioners or the said court to proceed in the assessment of damages, or in the valuation of any lands, or materials as aforesaid, in the absence of the owner or owners thereof, his, her or their agents or attorneys, unless it shall be shown to them by competent testimony that the said owner or owners are absent from the state of Illinois, so

Benefits and  
damages awarded.

Report of commissioners.

Proviso.  
Appeals.Appeals, how  
taken.

Proviso.



that the said owner or owners have had at least five days' notice, in writing, of the time and place at which such assessment or valuation was to be made, which notice shall be served personally on said owner or owners, or by leaving the same at their last or usual place of residence, with some person of suitable age and discretion; and if the said owner or owners shall be minors, or *non compos mentis*, the service of the notice may be made on their guardian or trustee, if there be any, or in such manner as the court or judge appointing said commissioners shall direct. And if said owner or owners shall be nonresident or absent from the state, or his residence unknown, the service of the notice may be made by publishing the same in a newspaper in said county for two successive weeks: *Provided, also*, that upon the making and filing of any report as aforesaid, and the payment or legal tender of the amount of any valuation or appraisal, specified therein to the owner or owners of any such land, his, her or their legal representatives, on the payment of the amount of such valuation or appraisal to the clerk of the court to which any appeal under this act may have been taken to abide the issue of such appeal, the said company, their agents or the contractors, for making or repairing said railroad, may immediately take and use the same, without awaiting the issue of any appeal brought thereon. Whenever any judgment shall have been entered as hereinbefore provided for the value of any lands, or for any damages for the taking and using of the same, and the amount specified in such judgment shall have been paid or tendered to the owner or owners of such lands, his, her or their legal representatives, on the payment of the amount specified in such judgment, or in such report of the commissioners to the clerk of the court to which any appeal under this act may have been taken, the said company shall be entitled to the said lands in fee, and if such valuation be not received when tendered, it may at any time thereafter be received, or may be collected from said company, without interest, by action at law, at the cost and expense of the person or persons entitled to the same: *Provided*, such valuation shall not have been paid to the clerk of the court in which such appeal may have been taken: *And, provided*, that the costs of any proceedings and judgments specified in this act shall be taxed by the court and paid by said company, except in cases where, upon appeal, the verdict of the jury shall be for the same or a less sum than that reported by the said commissioners.

Proviso.

Proviso 2.

Borrow money.

§ 6. The said company are authorized and empowered to borrow from time to time, such sums of money not exceeding double the amount of stock subscribed, and upon which at least twenty-five per centum shall have been paid, as may be necessary for constructing, completing and finishing or operating said railroad, and to issue and dispose

of their bonds in denominations of not less than five hundred dollars for any amount so borrowed, and to pay any rate of interest therefor, not exceeding ten per cent., and to pledge and mortgage the said road and its appendages, or any part thereof, or any other property, or effects, rights, credits or franchises of the said company, as security for any loan of money and interest thereon, and to dispose of the bonds issued for such 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 bonds out of the earnings of said road.

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

§ 8. 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 purpose and carry into effect the provisions of this act, and for the well ordering and securing the affairs and interest of said company: *Provided*, that the same be not repugnant to the constitution and laws of the United States or of this state. This act and all by-laws that may be adopted by the directors of said company, and all additions thereto and alterations thereof, shall, from time to time, be printed in a convenient form, and be distributed among the stockholders of said company. By-laws.

§ 9. It shall be lawful for any fifteen stockholders, by giving thirty days' notice, stating the objects, to call a meeting of the stockholders of said company, and the secretary of said company shall certify said call and record the same, as well as all matters that may be transacted under said call. The stockholders under such call may, by a majority voting therefor, proceed and appoint from among themselves a committee of three, with full power to examine all books, papers and accounts belonging to said company; and said committee may employ any competent accountant or accountants to aid in said examination, and said committee shall have power to examine any officer or officers, agent or agents, or employee of said company under oath, to be administered by the chairman of said committee, and said officer or agent, or employee, shall duly answer all questions that may be required of them by said committee touching any matter or matters relating to the affairs of said company, and the officers and agents of said company shall aid as far as in their power said committee as they may require in said examination. The expenses of said examination shall be paid from the treasury of said company, upon warrants Special meetings.

Examination of  
books and ac-  
counts.

drawn upon the treasurer and certified by said committee; and said committee shall make a detailed report of said examinations at such time or times as said stockholders shall direct.

May sell road.

§ 10. Said company shall have power, and are hereby authorized to sell and convey or lease their railroad franchises, real and personal property, or any part or portion of their railroad, with the rights and franchises appertaining thereto, to any company or companies, which have been or may hereafter be incorporated, or to any party or parties, upon such terms as may be mutually agreed upon between the contracting parties; said company shall have power to unite their railroad, in whole or in part, with any other railroad or railroads now constructed, or which may hereafter be constructed, either in this state or in the state of Wisconsin, 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, furnish, use and operate any such line of road so purchased or leased, upon such terms as may be mutually agreed between the said

Consolidation.

company or companies, or may consolidate the capital stock with the capital stock of any railroad company with which it shall intersect, either in this state or in the state of Wisconsin; 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 the 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 herein provided for, or as shall be provided by the by-laws of said company; but no consolidation shall be legal, nor the sale or transfer of the permanent rights and privileges of said company, or purchase of or by said company, without the assent of a majority in interest of stock voting in favor of said consolidation, purchase, sale or transfer, at an annual or regularly called meeting of the stockholders, or unless a majority in interest of the stockholders shall first give their written assent thereto; and it shall be lawful after any sale, purchase or consolidation, authorized by this section for the several companies so consolidated, to take any new name they may agree upon, and shall have and exercise all the rights, powers, privileges and franchises

First board.



granted by the charters of the said several companies, and by such name may sue and be sued, plead and be impleaded, contract and be contracted with, and may adopt and change at pleasure a common seal, for the corporate use of such new company.

§ 11. Notice shall be published in some paper printed within the counties through which the said road is located, for election of directors, and calls for installments to be made upon the capital stock; and all meetings of stockholders, all matters intended for the action of stockholders by the directors or stockholders, authorized to call meetings, shall be published in the notice given for the meeting before which said matters will be brought. Elections.

§ 12. 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.

§ 13. 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 of any such subscription of stock, may issue to such subscriber or subscribers certificates therefor. Payment stock. on

§ 14. The company shall be allowed five years from the passage of this act for the commencement of said railroad, and in case at least twenty-five miles of the same shall not be completed in ten years thereafter, the privilege herein granted shall be forfeited; but should said company purchase any railroad, or any portion of any railroad now constructed, or hereafter to be constructed, on any portion of their route, or shall arrange by lease or otherwise, to use the track of any other railroad company, on any portion of their said route, such portion so purchased or used shall be held to be completed within the meaning of this act. Time to begin road.

§ 15. Said company shall have the right to acquire by purchase or lease, the chartered rights, powers and privileges of any person or persons, corporation or corporations, to keep, operate and maintain any ferry or ferries across the Mississippi river, now operated and run, or hereafter to be operated and run in connection with said railroad, and upon acquiring such rights by purchase or lease, said railroad company shall have the right and authority to keep and maintain and operate such ferry or ferries. May maintain ferry.

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

APPROVED February 15, 1865.



In force April 18, 1865. AN ACT to construct a railroad from the Mississippi river in Illinois, opposite Muscatine, Iowa, to Camden, Rock Island county, Illinois.

Corporators.	SECTION 1. <i>Be it enacted by the People of the State of Illinois, represented in the General Assembly,</i> That E. H. Bowman, John Buffum, Daniel Kenworthy, Joh Hoath, B. F. Eby, J. C. Bethuram and R. Wells, and their associates, successors and assigns, are hereby created a body corporate and politic, under the name and style of the "Muscatine and Camden Railroad Company," and by that name be and they are hereby made capable in law and in equity to sue and be sued, plead and be impleaded, defend and be defended, in any court of law and equity in this state or in any other place; to make, have and use a common seal, and the same to renew and alter at pleasure; and shall be and are hereby vested with all the powers, privileges and immunities, which are or may be necessary to carry into effect the purposes and objects of this act as hereinafter set forth; and the said company are hereby authorized and empowered to locate and construct, and finally complete a railroad from the Mississippi river in Illinois, opposite the city of Muscatine, Iowa, by way of Andalusia to the town of Camden; and for this purpose said company are authorized, upon the most eligible and proper route, to lay out their said railroad wide enough for a single or double track, through the whole length, and may enter upon and take a strip of land not exceeding one hundred feet in width, and for the purpose of cutting, embankments, stone and gravel, may take as much more land as may be necessary for the proper construction of and security of said railroad.	
Name and style.		
Powers.		
Seal.		
Location of road.		
Capital stock.	§ 2. The capital stock of said company shall consist of two hundred thousand dollars, and may be increased to ten hundred thousand dollars, to be divided into shares of one hundred dollars each.	
Directors.	§ 3. The officers of this company shall consist of a board of directors, a president, secretary, treasurer, and such other subordinate officers or agents as may be from time to time provided for by the by-laws thereof. The directors shall be elected annually by the stockholders, (no person being eligible to said directory who is not a stockholder,) and shall hold their office for one year, and until their successors are elected and qualified. The present number of directors shall be seven, but may be increased to any number not exceeding fifteen, if deemed expedient. The president shall be chosen annually by the directors from their own number, and shall hold office for one year, and until his successor is elected and qualified. The meetings for the election of directors, after the first board shall have been elected, shall be held annually on the first Monday of June, at such place in the state of Illinois as the directors shall designate; and the holders of stock in said company, and	
Annual election.		
Number of directors.		
Officers.		

none other, shall be entitled to one vote for each share of stock so held at the time of holding any election, and vote or votes may be cast by any stockholder, in person or by proxy. After the organization of said company, persons may become members by subscribing for stock, receiving the same by transfer upon the books of said company, and not otherwise; that the said board of directors, a majority of whom shall form a quorum for the transaction of business, shall have power to appoint all necessary clerks, secretary, and other officers necessary in the transaction of the business of said company. Proxy votes.

§ 4. The said corporation is hereby authorized, by their agents, surveyors and engineers, to cause such examinations and surveys to be made of the ground and country between the points herein named, as shall be necessary to determine the most advantageous route for the line or course whereon to construct their said railroad, and it shall be lawful for said company to enter upon and take possession of and use all such lands and real estate as may be necessary for the construction and maintenance of their railroad: *Provided*, that all lands or real estate entered upon and taken possession of and used by said corporation for the purposes and accommodation of said railroad, or upon which the site for said railroad shall have been located or determined by the said corporation, shall be paid for by said company in damages, if any be sustained by the owner or owners thereof, by the use of the same, for the purposes of said railroad, and all lands entered upon and taken for the use of said corporation, which are not donated to said company, shall be obtained and paid for in the manner provided for taking lands for the construction of public roads, canals and other public works, as prescribed in the act concerning right of way, approved June 22, 1852. Survey of route  
Right of way.

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

§ 6. The board of directors of said company, after the same is organized, shall have power to open subscription Additional stock

books for stock in the manner prescribed in the fifth section of this act, and to fill up the amount of stock provided for in the second section of this act as the capital of said company, or any additional amount of stock not exceeding ten hundred thousand dollars, at such times as they may deem it for the interest of said company; and all the installments required to be paid on the stock to be originally taken, and what may be taken to increase said capital, shall be paid at such times, in such sums, and in such manner, as said directors shall prescribe.

Increase of stock     § 7. That the capital stock may be increased from ten hundred thousand dollars to fifteen hundred thousand dollars, from time to time, by new subscriptions, if such increase shall be found necessary to fulfill the intention of this act upon the directors for the time being, giving the notice as herein required, previous to the opening of the subscription books for the original stock herein. And that all stock of said corporation shall be deemed personal property and transferable in such manner as the said corporation shall by its by-laws prescribe.

Payment-     on     § 8. That it shall be lawful for the directors to require stock.     payment of the sums subscribed to the capital stock at such times, and in such proportion and on such conditions, as they shall deem fit, under the penalty of the forfeiture of all previous payments thereon, and shall give notice of the payments thus required, and of the place, time, when and where the same are to be paid, at least ninety days previous to the payment of the same in some public newspaper of the county or counties through which the line or course of said railroad runs.

by-laws.     § 9. The directors are hereby empowered to make and enforce all such by-laws and rules, not in conflict with the laws of this state or with this act, as they may deem expedient for the government and management of the general and particular affairs of said company.

Stockholders,     § 10. The property of the stockholders of said company, now liable.     which is not included in the capital stock held by them, shall not be holden for the corporate debts beyond the amount which may be due from such stockholders respectively, upon unpaid installments of said stock.

Liab<sup>l</sup> to debt.     § 11. The highest amount of indebtedness to which said corporation shall become liable at any one time, shall be five hundred thousand dollars, to be created by the board of directors at such time and in such sums as the board of directors may think proper; to secure which, said board of directors may issue bonds, and secure the same by mortgage or pledge of the property, rights and franchises of said company; that said indebtedness created or to be created as aforesaid, shall be for the benefit of said company in locating, constructing and maintaining said railroad.

§ 12. That the right of way and the real estate purchased for the right of way by said company, whether by mutual agreement or otherwise, or which shall become the property of said company by operation of law as in this act provided, shall, upon the payment of the amount of money belonging to the owner or owners of said lands as a compensation for the same, become the property of said company in fee simple, that said company is hereby empowered to acquire and convey real estate to an extent necessary to carry out the purposes of this act. Right of way.

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

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

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

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



election shall be held at any other time directed by the by-laws of said corporation.

Property may be sold.

§ 17. It shall be competent for the directors, with the assent of two thirds in interest of the stockholders of said company, to sell, transfer and dispose of, to any other person or company, the estate, rights and franchises of which it may be possessed, if in the opinion of the directors, such sale or transfer would facilitate the construction, or promote the interest of the railroad: *Provided*, that no such sale or transfer shall be voted until all the debts of said company shall be paid or otherwise discharged. Said board of directors are authorized and empowered to connect its road with the road of any other company or corporation in the state of Illinois; or become owner, part owner or lessee of any such railroad or franchise; and to make all such contracts and agreements as may be thought necessary for the separate or joint ownership or joint or separate use and occupation of the road of such corporation.

Proviso.

Time of construction.

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

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

APPROVED February 16, 1865.

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In force Feb. 16, 1865. AN ACT to amend an act entitled "An act to incorporate the Monticello Railroad Company."

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That in addition to the powers, privileges, immunities and franchises given to said corporation by said act to which this is amendatory, said company be and are hereby authorized, by and through their board of directors, at any time before or after the completion of said road, to assign over and transfer to any railroad company, the line of whose road intersects the proposed line of said railroad, and which will complete and operate said line of road, all the stock, property, immunities and franchises of said corporation; and such assignment and transfer, shall vest in the company to which such assignment and transfer may be made, the entire stock and property of said corporation, and the same shall become a part of the road of the company to which such assignment and transfer may be made, to be held, owned, occupied, used and enjoyed by such company, the same as though such com-

May assign road

pany had been authorized by its charter or act of incorporation, to construct and operate said line of road; and in case any such assignment and transfer shall be made by the directors of the said Monticello railroad company, to any other company, as aforesaid, such company shall be and is hereby empowered to enforce payment of subscriptions to the stock of said Monticello railroad company; and the debts and liabilities of said last mentioned company, shall be paid and liquidated by the company to whom said transfer shall be made, which shall be mutually agreed upon, on the same being made, and the said Monticello railroad company shall from thenceforth cease to exist; and all the chartered powers and privileges, and all the property both real and personal, of said Monticello railroad company, shall be vested in the company to which such assignment and transfer is made: *Provided*, that no such assignment and transfer shall be made, except on the condition that the company to which such assignment and transfer may be made, shall be under perpetual obligation to operate said line of road for the accommodation of the public; and in case such company shall abandon the operation of said line of road, all the rights, immunities, privileges and franchises acquired by such company through such assignment and transfer, shall revert and be vested in the people of the state of Illinois, to be disposed of and granted to such company as the general assembly of this state may by law designate or create.

Property vested.

§ 2. That the several counties in which any part of said road has been or may hereafter be located, and the several townships in said counties, which have adopted or may hereafter adopt township organization, and the cities and incorporated towns in said counties, are hereby authorized to subscribe and take stock in said Monticello railroad company. Elections may be held in any such county, township, city or incorporated town, upon the question whether such county, township, city or town, shall subscribe for any specified amount of the stock of said company, not exceeding one hundred thousand dollars for each county, and not exceeding thirty-five thousand dollars for each of such townships, cities or towns; and elections may be held in any such county, township, city or town, as often as a petition shall be presented, as hereinafter specified, until such county, township, city or town shall have subscribed for the full amount of stock authorized by this act. Whenever a petition shall be presented to the board of supervisors, signed by fifty legal voters of any such county, setting forth the amount of stock proposed to be taken by any such county, and specifying the time for holding such an election, it shall be the duty of the county clerk of such county, to give twenty days' notice of the time of holding such election, which shall be the same time as that specified in such petition; and whenever a petition shall be presented to the supervi-

Cities and towns may take stock.

sor of any such township, or to the corporate authorities of any such city or town, signed by twenty-five legal voters of any such township, city or town, setting forth the amount of stock proposed to be taken by any such township, city or town, and specifying the time for holding such an election, it shall be the duty of the clerk of every such township, city or town to give twenty days' notice of the time of holding such election in such township, city or town, which shall be the same time as that specified in such petition; which said notice or notices shall be given in the same manner, and such election or elections shall be conducted in the same mode and at the places provided for holding general elections in such counties, townships, cities and towns; at which election or elections, the qualified voters of the respective counties, townships, cities and towns, shall vote "For Subscription," or "Against Subscription;" and if a majority of the votes actually cast at any such election shall be "for subscription," it shall be the duty of the board of supervisors of every such county, the supervisor and clerk of such township, and the corporate authorities of such city or town, to subscribe without unnecessary delay, upon request of said company, for stock in said company, to the amount mentioned in such petition, and to issue and deliver to said company the same amount as the stock so subscribed, of the bonds of such county, township, city or town, as the case may be, payable at any time specified, not exceeding twenty years from their date, with interest at a rate not exceeding ten per cent. per annum, payable annually; which said bonds and the interest accruing thereon, shall be made payable at such place within the United States as said company may request.

(tax levied.)

§ 3. It shall be the duty of the respective authorities of the several counties, townships, cities and towns, which may vote such subscription, and they are hereby required, to levy and collect a sufficient special tax on all the taxable property, both real and personal, in such counties, townships, cities and towns, not exceeding three dollars on every one hundred dollars' worth of taxable property, to pay the interest annually accruing on such bonds, and to liquidate the principal of said bonds, within the time specified in the same for their payment. Said tax shall be levied on the assessments made by the assessors of their respective counties, townships, cities and towns, as provided by the revenue laws of this state for assessing property, and shall be extended on the collector's books of such county, township, city or town, as a special railroad tax, and collected by the respective collectors of such counties, townships, cities and towns, at the same time and in the same manner as provided by law for collecting state and county tax, which said tax shall be paid by the respective collectors to the county treasurer

of the county in which the tax is collected, deducting therefrom a commission of two per centum only for collecting. And the said county treasurers shall be respectively liable on their bonds, for the faithful application of said tax to the payment of the interest and principal of the bonds for which said tax was levied and collected to pay; and shall receive therefor, in full compensation, a commission of two per centum only, for paying out said tax. The corporate authorities of the respective counties and townships shall certify to the county clerk of the proper county, the rate per cent. to be levied for each year for such special tax, and the said county clerks shall extend on the collector's books for such county or townships, as a special railroad tax, at the rate so certified for each year, in the same manner and on all the property on which state and county tax is extended. And the respective authorities of such cities and towns shall levy and collect such special railroad tax in the same manner, as other tax is levied and collected in and for such cities and towns: *Provided*, that in case the said authorities for any such county or township shall fail to certify to such clerk, the rate per cent. to be levied for any year, before the time required by law for said clerk to extend state and county tax, then the said clerk shall extend such tax for such year at the rate of one per centum.

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

APPROVED February 16, 1865.

AN ACT in relation to the Mount Carbon Coal and Railroad Company. In force April 15, 1865.

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 upon the Mount Carbon Coal and Railroad Company, by the act approved January 24, 1835, and the several acts amendatory and supplementary thereto, the said corporation are hereby authorized and empowered to engage in the business of mining iron ore and the manufacture of iron, within the county of Jackson, with all the powers of corporations engaged in the mining, manufacture and sale of iron: *Provided*, all the rights, privileges and immunities in relation to rates of fare for the transportation of passengers and tariff on freights hereby granted, shall be subject to such limitations as shall hereafter be imposed by general laws.

Additional powers.

§ 2. That the authority given said corporation to borrow money and to issue bonds and mortgage their corporate property and franchises, is hereby extended, so that said corporation be and it is hereby authorized to borrow money

Borrow money



for the purchase of lands and for all other purposes of its business, and issue bonds and mortgage its corporate property and franchises for the security of all money borrowed, or debts which may be incurred by said company, not to exceed the sum of one million dollars at any time.

Time of completion of road.

§ 3. That said company be allowed the period of ten years from the expiration of the period within which they are now authorized to complete their railroad.

Right of way.

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

Approved February 16, 1865.

In force Feb. 15,  
1865.

#### AN ACT to incorporate the Northern Railway Company.

Corporators.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That John Easton, Thomas H. Payne, A. B. Patridge, E. H. Mason, Silas Wright, Christian Hegwein, William A. McConnell, Jared Gage, John C. Dore, D. S. Smith, W. H. Turner, J. F. Mendsen and George Schneider, and their associates, successors and assigns, be and they are hereby created and constituted a body politic and corporate, by the name of

Name and style.

"The Northern Railway Company;" and said company shall have perpetual existence, and may make, have and use

Seal.

a common seal, and alter the same at pleasure; and may make by-laws for the regulation and government of its affairs; and shall be and are hereby vested with all powers, privileges and immunities incident to corporations, for the purposes hereinafter mentioned.

Location of road.

§ 2. The said corporation is hereby authorized and empowered to locate, construct, maintain and operate a railroad, from the city of Chicago, north-westerly, crossing the Des

Plaines river at or near the town of Wheeling, and from thence, continuing in a north-westerly direction, near the village of Libertyville, and thence south, west of the mound known as Fort Hill, in the town of Fremont, and crossing Fox river, at or near Nipper Sink, crossing to some eligible point at the state line, between the states of Wisconsin and Illinois. Such corporation may connect with any railroad leading out of the city of Chicago, at such point as may be deemed advisable.

§ 3. The capital stock of said corporation shall consist of three millions of dollars, which may be increased, if thought advisable by said corporation, to be divided into shares of one hundred dollars each. The immediate government and direction of said corporation shall be vested in a board of directors, of not less than seven nor more than thirteen members, who shall be chosen by the stockholders of said corporation, in the manner hereinafter provided, who shall hold their office for one year after their election, and until others shall be duly qualified as such; and the said directors, a majority of whom shall constitute a quorum for the transaction of business, shall elect one of their number to be the president of said corporation; they shall also elect a secretary and treasurer at the same time, and may choose such other officers or agents as they may think proper.

§ 4. The said corporation is hereby authorized, by their agents, surveyors and engineers, to cause such examination and surveys to be made of the ground and country between said points above mentioned, as shall be necessary to determine and select the most direct and feasible route whereon to construct their said railroad; and it shall be lawful for said corporation to enter upon and take possession of and use all such lands and real estate as may be necessary for the construction, maintenance and operation of their said railroad: *Provided*, that all lands or real estate entered upon and taken possession of and used by said corporation, for the purposes and accommodation of said railroad, or upon which the site of said railroad shall have been located and determined by said corporation, shall be paid for by said company, in damages, if any are sustained by the owner or owners thereof, by the use of the same, for the purposes of said railroad; and all lands entered upon and taken for the use of said corporation, which are not donated to said company, shall be paid for by said corporation, at such price as may be mutually agreed upon by the corporation and the owner or owners of such land; and in case of the disagreement between the corporation and the owner or owners thereof, the price shall be estimated and fixed and recovered in the manner now provided for, under the act entitled "An act to provide for a general system of railroad incorporations," approved Nov. 5, 1849, and any

act or acts passed amendatory thereof or supplemental thereto; and said corporation shall have and possess all the powers, privileges and immunities provided in and by said general railroad act, or acts amendatory thereof, or supplemental thereto, except as hereinafter provided.

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

First board. § 6. The persons named in the first section of this act are hereby appointed the directors of said corporation, and shall hold their office for one year from the first day of March, A. D. 1865, or until others are elected; and said

Subscriptions to stock. persons heretofore named are also appointed commissioners, who, or a majority of whom, are hereby authorized to open subscription books for said capital stock, at such places as they may deem proper; and said books shall be kept open until at least one hundred thousand dollars shall have been subscribed. Said commissioners shall require each subscriber to pay five dollars on each share subscribed by him at the time of subscribing. The directors appointed by this

Quorum. act, or a majority of them, shall constitute a quorum for the transaction of business, and shall elect one of their number to be president of said company; they shall also elect a secretary and treasurer, and such officers and agents as they shall deem proper. In case a vacancy occurs in the board of directors it may be filled by the remaining directors, or as the by-laws of said corporation shall prescribe. No person shall be a director in said company unless he shall be a stockholder thereof.

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

Rates for transportation. § 8. The said corporation may take and transport upon said railroad any person or persons, merchandise or other property, by the force and power of steam or animals, or any combination of them, and may fix, establish, take and receive such rates of toll, for all passengers and property transported upon the same as the said directors shall, from time to time, establish, subject, however, to such regulations and restrictions as have been or may hereafter be established by the laws of this state of a general application.

Award for lands taken. § 9. That when the lands of any *femme covert*, person under age, *non compos mentis*, or any non-resident of the

state, shall be taken in the construction of said railroad, as is provided by this act, the said corporation shall pay the amount that shall be awarded as due to said owner or owners respectively, whenever the same may be lawfully demanded, together with six per cent. per annum, or may deposit the amount with the county treasurer of the county in which the land so taken lies.

§ 10. It shall be lawful for the company created by this act to unite with any other railroad company which may have been or hereafter shall be incorporated by this state or the state of Wisconsin, upon such terms and conditions as the stockholders representing a majority of the stock of each corporation may mutually agree, and a concurrence therein by the board of directors of each corporation respectively, and to grant such company or corporation the right to construct and use any portion of the road hereby authorized to be constructed, as agreed upon aforesaid. Union with other roads.

§ 11. For the purpose of facilitating the construction of the railroad authorized by this act, said corporation is empowered to borrow money, and pledge its property, both real and personal, and its rights, credits and franchises, to secure the payment thereof. Borrow money.

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

APPROVED February 15, 1865.

AN ACT to amend an act entitled "An act to incorporate the Northern Illinois Railroad Company," approved February 24, 1859. In force Feb. 16, 1865.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the Northern Illinois Railroad Company are hereby authorized and empowered to purchase, operate and control any ferry across the Mississippi river, at any point on the line of the railroad of said company, or on the line of any railroad which they shall hereafter control or operate, or with which the said Northern Illinois railroad shall be consolidated: May own and control ferry.  
*Provided,* that the rights and privileges herein granted are and shall be subject to the right of the general assembly to make such regulations by general laws, in respect to ferries and freights, as they may deem proper. Provide.

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

APPROVED February 16, 1865.



In force April 18, 1865. AN ACT to amend an act entitled "An act to charter the Ottawa, Oswego and Fox River Valley Railroad Company."

Act amended.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the charter of the Ottawa, Oswego and Fox River Valley Railroad Company be and the same is hereby so amended as to require the said company to terminate their railroad within the corporate limits of the town of Winona, on the Illinois Central railroad.

APPROVED February 16, 1865.

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In force Feb. 16, 1865. AN ACT to incorporate the Pana, Springfield and Northwestern Railroad Company.

Corporators.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That John A. McClelland, John Williams, Shelby M. Cullom, Alexander Starne, Jacob Bunn, Charles W. Matheny, Asa Eastman, Charles Ridgely, James Wilson, Munson Carter, Preston Breckenridge, Joseph G. McCoy, John Bone, Peyton Harrison and Andrew B. McConnel, of the county of Sangamon, Horatio M. Vandever, D. D. Shumway, William A. Goodrich, William S. Frink, Calvin Goudy, Lewis E. Thompson, William B. Hall and Charles A. Manners, of Christian county, Illinois, and their associates and successors, are hereby created a body corporate and politic, under

Name and style.

Powers and privileges.

the name and style of "The Pana, Springfield and Northwestern Railroad Company," with perpetual succession; and under this name and style shall be capable of suing and being sued, pleading 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 or renew the same at pleasure, and by their said corporate name and style shall be capable in law of contracting and being contracted with, shall be and are hereby invested with all the powers, privileges, immunities and franchises of receiving and disposing of real and personal estate which may be needful to carrying into effect fully the purposes and objects of this act; and said company are hereby authorized and empowered to locate, construct and complete a railroad, commencing at or near Pana, in Christian county, thence to Taylorville, in Christian county, thence to city of Springfield, in Sangamon county, and thence to some eligible point on the Illinois river; to be determined by said company, with one or more tracks or lines of rails. Said company shall commence the construction of said road in

Route of road.

good faith within one year, and shall complete the same within ten years.

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

§ 3. The corporation hereby created shall have power to locate, construct, furnish, maintain and operate a railroad, as aforesaid, with all necessary side tracks, turn-outs, switches, depots, stations and all necessary buildings, erections and structures; and for this purpose they are hereby vested with all the powers necessary for the purchasing, taking, holding and selling and transferring property, real and personal, as natural persons, as the board of directors may deem necessary to carry out the objects of this act.

§ 4. For the purpose of acquiring the rights of way for the construction of said road, side tracks, and turn-outs, and grounds for depots, stations and other buildings, erections and structures, and for the purpose of obtaining stone, gravel and other materials for building, ballasting or repairing the same, and of a right of way to said material, the said company be, and they are hereby authorized and empowered to take, condemn and use the same, under the provisions of an act to amend the law condemning the rights of way for purposes of internal improvement, approved June 22, 1852.

§ 5. Said company shall have power to unite, connect or consolidate its railroads with any other railroad constructed, or which may hereafter be constructed in this state, upon such terms as may be mutually agreed upon between the companies so uniting, connecting or consolidating; 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 or consolidation; and the said corporation may furthermore lease or purchase, upon such terms as may be agreed upon, any other road or parts of road, either wholly or partially constructed, which may constitute or be adopted as part of their main line; and, by such lease or purchase, they shall acquire and become vested with all the rights and franchises pertaining to such road, or part of road so leased or pur-

chased, in the right of way, construction, maintenance and working thereof.

Borrow money.

§ 6. The said company is hereby authorized, from time to time, to borrow such sum or sums of money as may be necessary for the completing, equipping, furnishing operating and maintaining their said railroad; and to issue and dispose of the bonds at such rate of interest and at such discount as may be thought for the benefit of the company; and to mortgage their corporate property and franchises, or convey the same, by deed of trust, to secure the payment of any debt contracted by said company, for the purpose aforesaid. And the directors of said company may confer, on any bondholder of any bond issued for money borrowed, as aforesaid, the right to convert the principal due or owing thereon into stock of said company, at any time, and may further authorize the holder of any such bonds to vote at any and all elections for the election of officers of said corporation, under such regulations as the directors of said company may see fit to adopt; and any such bonds that may be sold or disposed of at a less rate than par, shall be as valid and binding upon said company as if the same were sold for the par value thereof.

Trust deeds and mortgages.

Directors.

Officers.

Vacancies.

§ 7. All the corporate powers of said company shall be vested in and exercised by a board of directors, to consist of seven members, and such officers, agents and servants as they shall appoint. Vacancies in all the board of directors may be filled by a vote of two-thirds of the directors remaining, such appointees to continue in office until the next annual election of directors, which said annual elections shall be held at such time and place as may be designated and fixed by the by-laws of said company, thirty days' printed notice being given in two newspapers, having circulation along the line of said railroad.

Books opened.

§ 8. The persons named in the first section of this act, are hereby appointed commissioners, who, or a majority of them, after a meeting duly called by thirty days' notice thereof in the Illinois Journal and Illinois State Register newspapers, published in the said city of Springfield, shall meet and proceed to open books, and receive subscriptions to the capital stock of said company. Ten dollars for each share subscribed shall be paid on subscribing, and whenever fifty thousand dollars shall have been subscribed, the subscribers may organize said corporation, and proceed to the election of directors; 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 who shall not be a stockholder, and each stockholder shall be entitled to one vote for each share of stock he shall hold, upon which all calls have been paid. The directors of said company, after the same is organized, shall

Subscriptions to stock.



have power to open books to fill up the capital stock of said company, or any part thereof, at such time as they may deem expedient; and all installments required to be paid on the stock originally subscribed, or what may be taken to increase said capital, shall be paid at such times and in such amounts as said directors may prescribe: *Provided*, that subscriptions of stock may be made to said company in lands, at their cash value at the time of subscription, as may be agreed upon between the subscriber and the directors of said company, such subscriptions to be designated on the books as a land subscription, and to be considered as paid by a conveyance of such land to the company: *And, provided, also*, that owners of lands along or near the line of said road, may be authorized to subscribe stock and to secure payment of the same, by promissory note and mortgage; such note to draw eight per cent. interest, payable semi-annually, from and after the road shall have been completed through to, or parallel with the mortgaged premises, or any part thereof, with the privilege to the maker to discharge the principal at pleasure; such subscription to be designated on the books as a mortgage subscription, and to be free from all calls upon stock; such subscribers, however, shall have no right to vote as stockholders in said corporation, until interest shall have been become payable upon such subscriptions: *And, provided, further*, that said corporation shall dispose of all lands to which it may acquire title or fee other than such real estate, as it may acquire for the use and operations of said road, as in this act provided, within five years after the acquisition thereof. Whenever it shall be necessary for the construction of said railroad to intersect or cross the track of any other railroad or stream of water, or water course, or road or highway on the route of said road, it shall be lawful for the company to construct their railroad across or upon the same: *Provided*, that the said company shall restore the railroad, stream of water, water course, road or highway, intersected or crossed, to its former state, or in sufficient manner not materially to impair its usefulness.

Proviso.

Proviso 2.

§ 9. That the right of way and the real estate for the right of way, and for the purpose aforesaid, purchased or acquired by said company, whether by agreement or otherwise, or which shall become the property of the company, by operation of law, as in the act provided, shall, upon the payment of the money agreed or adjudged to be paid to the owner or owners of said land, as a compensation for the same, become the property of said company in fee simple.

Right of way.

§ 10. That all the rights, privileges and advantages, with the limitations and restrictions conferred upon the Illinois Central Railroad Company, also, the rights, privileges and advantages, with their limitations conferred by an act entitled "An act to provide for a general system of rail-

Rights confirmed



road incorporations," approved November 5, 1849; and the several acts amendatory thereof, except as hereinafter qualified, are hereby conferred upon the Pana, Springfield and Northwestern Railroad Company; and cities and counties shall be entitled to subscribe for stock in said company in like manner and with like effect, as is provided in the said act referred to, and acts amendatory thereof: *Provided, also*, that the county court of Christian county may, with or without submitting the question to the people, subscribe for stock in said company, payable in lands to be taken upon such terms and conditions, and be conveyed in such manner as the said county court and said company may agree upon: *And, provided, also*, that such powers to subscribe for stock on the part of said county payable in lands, shall not be restricted in amount or value to one hundred thousand dollars, nor shall such right of subscription in lands in any manner impair the power of said county, to make a money subscription of one hundred thousand dollars to said company, under the provisions of said act, to provide for a general system of railroad incorporations and acts amendatory thereof: *Provided*, that a land subscription shall not, in any way, impair the right or derogate from the power to make a money subscription.

Towns may subscribe stock.

§ 11. To further aid in the construction of said road by said company, any town under township organization in Sangamon county, Illinois, may subscribe to the capital stock of said company, in any sum not exceeding fifty thousand dollars.

Vote on taking stock.

§ 12. No such subscription shall be made until the question has been submitted to the legal voters of the town in which the subscription is proposed to be made; and the clerk of each of said towns is hereby required, upon the presentation of a petition, signed by at least ten citizens who are legal voters and tax-payers of the town for which he is clerk, in which petition the amount proposed to be subscribed shall be stated, to post up notices in at least three of the most public places in said town, which notices shall be posted not less than ten days before the day of holding such election notifying the legal voters of said town to meet at the usual places of voting, or some other convenient place in said town, for the purpose of voting for or against such subscriptions; but no such vote shall be taken unless at a regular election for town and county officers.

Town bonds.

§ 13. If it shall appear that a majority of all the voters have voted "for subscription," it shall be the duty of the supervisor of each of said towns that shall vote for such subscription, to subscribe to the capital stock of said railroad company, in the name of the town for which he is supervisor, the amount so voted to be subscribed, and to receive from said company the proper certificates therefor; he shall also execute to said company, in the name of said town,

bonds bearing interest not to exceed ten per cent. per annum, which bonds shall run for a term of not less nor more than twenty years, and the interest on the same shall be made payable annually; and which bonds shall be attested by the clerk of the town in whose name the bonds are issued; and it shall be his duty to make a record of the issuing of said bonds. Said bonds shall be delivered to the president or secretary of said railroad company, for the use of said company.

§ 14. It shall be the duty of the clerk of each of said towns in which a vote was given for subscription, within ten days thereafter, to transmit to the county clerk of Sangamon county a transcript or statement of the vote given, and the amount voted to be subscribed, and the rate of interest named in the bonds. Returns of elections.

§ 15. It shall be the duty of the county clerk annually thereafter, to compute and assess upon all taxable property returned by the assessor of each of said towns which have voted to subscribe a sufficient sum to pay the interest on all bonds issued by the respective towns, which tax shall be extended upon the collectors' books, as other taxes are, and shall be collected in the same manner that other taxes are collected; and, when collected, shall be paid into the county treasury, as county taxes are paid. Town assessments.

§ 16. It shall be the duty of the treasurer of said county to pay out, on the presentation to him of the bonds issued by any town, as aforesaid, the amount due upon each of said bonds, as interest, out of any money in his hands for that purpose, and indorse the payment upon said bonds, or take such voucher as he may prescribe. He shall also keep an account with each town of all money received by him, and paid on account of said towns, which account shall, at all times, be open to inspection by all persons wishing to examine the same. Payment of bonds.

§ 17. At all elections for officers, and on all questions voted upon by the stockholders of said company, the supervisor of the town or towns, who may subscribe to the stock of said company, shall represent and cast the vote which said stock is entitled to. Towns represented in elections.

§ 18. The road to be constructed by said company shall be divided into two divisions: that portion of the road between Springfield and Pana shall be designated the first division, and that portion between Springfield and the Illinois river shall be designated the second division; and subscribers, either individual or corporate to the stock of said company, may designate upon which division of said road such subscription shall be applied; and said corporation shall faithfully apply such subscriptions to the division thus designated; but any surplus of stock subscribed for the benefit of any one section of said road remaining after the con- First division of road.  
Second division.

struction of said section, may be applied by said company in aid of the construction of any other section.

Other roads  
may take stock.

§ 19. Any railroad company with whose road the afore-said road may intersect or connect, is hereby authorized and empowered to subscribe to the capital stock of this company, any sum not exceeding one hundred thousand dollars, and shall have the same rights, privileges and powers as other stockholders in this company, and shall be subject to the same conditions, restrictions and limitations as other stockholders therein.

Liability.

§ 20. No stockholder, whether corporate or natural person shall be otherwise liable upon his, her or their subscription of stock, than for the amount of their respective subscriptions of stock to said company, and according to the calls of the directors as hereinbefore provided.

§ 21. This act shall take effect from and after its passage.  
APPROVED February 16, 1865.

In force Feb. 16, 1865. AN ACT to amend the charter of the Paris and Decatur Railroad Company.

Part of act re-  
pealed.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the provision in the act incorporating the Paris and Decatur Railroad Company, passed on the eighteenth of February, eighteen hundred and sixty-one, requiring the railroad to be so located as to pass through the town of Oakland, in the county of Coles, be and the same is hereby repealed; also the provision requiring that the majority of the directors of said corporation shall reside within the limits of this state is hereby repealed, but the company shall have and keep an office, for the transaction of business, in this state; and this act shall be in force from and after its passage.

APPROVED February 16, 1865.

In force Feb. 16, 1865. AN ACT to amend an act entitled "An act to incorporate the Pekin, Lincoln and Decatur Railroad Company," approved February 21, 1861.

Corporators.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the names of the original incorporators in the act of incorporation to which this act is an amendment, be and the same are hereby stricken out of and dropped from said charter, and that in lieu thereof the names of James F. D. Elliott, Robert B. Latham, Mindret Wimple, Aaron B. Nicholson,



John Linberger, Ambrose M. Miller, Abram Mayfield, Nathaniel M. Whitaker and John Wyatt, of Logan county, and George H. Harlow, John B. Cohrs, J. E. Leonard and James L. Briggs, of Tazewell county, and Sheradan Waite, A. J. Gallagher, J. J. Petticord and Leonard O. Smith, of Macon county, be and the same are hereby inserted and substituted in their place and stead, with all the immunities, powers, rights, privileges and advantages conferred upon the incorporators by the provisions of the act to which this act is an amendment, as well as such other and further powers, etc., as are conferred upon them by the provisions of this act.

Rights and privileges.

§ 2. That the time for commencing the work upon the Pekin, Lincoln and Decatur Railroad be and the same is hereby extended to within two years, and the time for completion thereof within eight years from and next ensuing after the 21st day of February, 1865.

Time extended.

§ 3. That the counties of Peoria, Tazewell, Logan and Macon, or any of the incorporated cities, towns or organized townships thereof, are hereby authorized to subscribe to the capital stock of said company: *Provided*, that the counties of Peoria, Tazewell and Macon shall not each subscribe a less sum than one hundred thousand dollars, nor a greater sum than two hundred thousand dollars; and that the county of Logan shall not subscribe a less sum than two hundred thousand or a larger sum than three hundred thousand dollars; and that no one city, town or township shall be permitted to subscribe a less sum than twenty thousand or a larger sum than fifty thousand dollars. Elections may be held and shall be held, as hereinafter provided for, in any of said counties or any of the incorporated cities, towns, or in any of the separate townships thereof, on the question whether such county, city, town or township shall subscribe for any specific amount in shares of the capital stock of said company. Twenty days' notice shall be given of the time of holding such election, and the election shall be conducted in the mode prescribed in an act entitled "An act supplemental to an act entitled 'An act to provide for a general system of railroad incorporations,'" approved November 6, 1849, or in the mode prescribed in any other general law relating to such election, or the mode in which county, city, town or township elections are usually conducted; and if a majority of the votes actually cast at such election shall be "for subscription," it shall be the duty of the county court, (or board of supervisors where township organization exists,) or the corporate authority of such county, city, town or township, as the case may be, to subscribe, without unnecessary delay, upon request of said company, through their treasurer, clerk, president, or a majority of their board of directors, for shares of said capital stock to the amount so voted, and to issue and deliver the

Who may take stock.

Elections.

Town or city subscriptions.



same to the president or treasurer of said company, without unnecessary delay, the same amount (as the stock so subscribed) of the bonds of such county, city, town or township, as the case may be, payable at any time specified in, not exceeding twenty years from this date, with annual or semi-annual coupons for not exceeding ten per centum interest per annum attached, which bonds and coupons may be made payable within or without this state, as said company may request; and the provisions of the above mentioned act, approved November 6, 1849, except such as are inconsistent with the provisions of this act, shall apply and govern any election referred to in this election, in getting up the election and other matters connected with or growing out of said election; but this act shall govern such elections so far as it is applicable to them.

County elections

§ 4. It shall be and is hereby expressly made the duty of the county court of Logan county and the board of supervisors of the counties of Tazewell and Macon, respectively, to order the holding of an election in their proper counties, for the aforesaid purpose, on the second Tuesday of April, 1865; the proposition to be voted on in Logan county the subscription by said county in shares to the capital stock of the Pekin, Lincoln and Decatur Railroad Company to the amount of two hundred thousand dollars, and in Macon and Tazewell counties each one hundred thousand dollars; and the aforesaid court and boards are hereby directed and required to order the holding of such elections without any further notice or request; and should the voters of the said county of Logan, at such election, refuse to vote in favor of said county subscribing the specified amount of stock to said company, the president of the board of directors for said company may, by a petition signed by a least two hundred legal voters of said county, presented to the county court of said county, require the county court to once more submit the same proposition to the voters of Logan county at any subsequent general or county election, provided such petition shall be presented to the county court at least forty days before the time of holding such election; and may also require, by a petition of least ten legal voters thereof, the city, town or township authorities of any city, town or township in either of the counties of Macon or Tazewell to hold an election for the purpose aforesaid: *Provided, however,* that the county in which such town, city or township is situated has failed or by vote refused to take stock in said company, and not otherwise; but no more than two such elections shall be held in any one town or city, one of which must be in conjunction with and at a general election. Any such election may be held and shall be held in any city, town or township in Peoria county if at least one hundred legal voters of any such town, city or township shall join in a petition to the proper authorities requesting

Provided.

AN ACT supplemental to an act entitled "An act to incorporate the Peoria, Pekin and Jacksonville Railroad Company, approved June 11, 1863. In force Feb. 16, 1865.

[SECTION 1]. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That, whereas, it is represented that questions have arisen as to the extent of powers to construct and operate the said railroad, intended to be conferred by the act to which this is supplemental, it is hereby declared to be the meaning of the aforesaid act, and the same shall be construed to authorize and empower said Peoria, Pekin and Jacksonville Railroad Company, upon substantial compliance with the provisions of the above named act, to have, possess and be vested with and lawfully use, enjoy and exercise all the corporate powers, privileges, rights, immunities and franchises heretofore given to the Illinois river railroad company by an act of the general assembly, whether the same were in force, or limited, or expired, at the passage of the act aforesaid, the same as if fully repeated in the said act; and to reach Peoria by crossing all highways and streams necessary to be crossed; restoring the same to their former condition, and by crossing the Illinois river by bridge at or near Pekin, causing no unnecessary obstructions to the navigation of said river, and to complete the said work within ten years from the date of the approval of said act of June 11, 1863. Powers and privileges.

[§ 2.] This act to be in force from and after its passage. Time of completion.

APPROVED February 16, 1865.

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AN ACT to change the name of the Pittsburgh Railroad and Coal Company, and to extend its means of usefulness. In force Feb. 16, 1865.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That the corporation now known as the Pittsburgh Railroad and Coal Company, existing by virtue of an act to amend an act, entitled "An act to amend an act to incorporate the St. Clair Railroad Company," approved February 19, 1859, shall Name changed.

said company is hereby authorized to extend its road from its present eastern terminus in an eastern, northeastern, southeastern and southern direction, through the counties of St. Clair, Monroe and Randolph, not exceeding— miles in length from said terminus, for the purpose of developing the coal mines thereof, and of working and bringing to market the products thereof. And in aid of this object, the said Illinois and St. Louis Railroad and Coal Company may condemn land and other property, for the right of way, and the construction of said road and branch roads, in such manner as is provided by law in respect to this and other railroads in the state of Illinois.

Right of way.

Lands held.

§ 3. The said Illinois and St. Louis Railroad and Coal Company may purchase, in addition to the lands now owned by said company, for mining purposes in said counties of Illinois, to the extent of as may be necessary for the successful accomplishment of the object of its incorporation, two thousand acres of coal lands to each branch of said road.

Wiggins' ferry.

§ 4. So soon as the exclusive privileges, if any such there be, now enjoyed by the Wiggins Ferry Company, or the St. Clair and St. Dennis Steam Ferry Company, lessees of the common of Cahokia to establish and maintain a ferry between the said common of Cahokia and the Missouri shore shall expire, the said Illinois and St. Louis Railroad and Coal Company may establish and maintain a ferry or ferries between the land, by the said Illinois and St. Louis Railroad and Coal Company, leased from the village of Cahokia and the city of St. Louis, for the transportation, from shore to shore, of the products of the mines of the said Illinois and St. Louis Railroad and Coal Company, and, also, of other produce, merchandise, carriages, animals and travelers.

Reversion of Cahokia common.

§ 5. In order to give permanence and solidity to the operations of the said Illinois and St. Louis Railroad and Coal Company, authority is hereby given to the supervisor of the village Cahokia, with the consent of a majority of the taxable inhabitants of said village, to release and convey in fee, to the Illinois and St. Louis Railroad and Coal Company, the reversion of that part of the common of Cahokia which is now leased by the said Illinois and St. Louis

Railroad and Coal Company, or any part thereof, upon such terms as may be mutually agreed upon.

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

APPROVED February 16, 1865.

AN ACT to empower the Quincy and Toledo Railroad Company to extend its Railroad to the Mississippi River at Quincy. In force Feb. 16, 1865.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the company called the Quincy and Toledo Railroad Company, now exercising corporate franchises in the operation of said railroad, under an act entitled "An act to incorporate the Quincy and Toledo Railroad Company," etc., approved January 31, 1857, be and the same is empowered, under the act aforesaid, to extend and operate said railroad, by lateral branch, or otherwise, westwardly to the Mississippi river, at the city of Quincy; and said company may consolidate with any line or lines of railroad which connect, or hereafter may connect therewith, forming a continuous thoroughfare. Extension road.  
Union with other roads.

§ 2. For the purpose of said extension, said company may condemn, in pursuance of the general laws of this state, private and corporate property, necessary for right of way, depots, buildings, appendages and landings; and, with the consent of the city of Quincy, may obtain or use streets and public grounds of said city. Right of way.

§ 3. Said company, to raise money for the construction and equipment of said extension, may mortgage or convey the whole line of said road so extended, or said extension, only as the exigencies of said company may require; and said company may contract with any railroad or ferry to facilitate its business of carrying. This act and the act hereinbefore mentioned, shall be deemed public acts, and this act shall take effect from and after its passage. Borrow money.

APPROVED February 16, 1865.

AN ACT to incorporate the Quincy and Warsaw Railroad Company. In force Feb. 16, 1865.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That John Wood, Charles A. Savage, Onias C. Skinner, Edward Corporators.



Wells, Robert Tillson, Henry Hill, Calvin Coles, George J. Rodgers, William English and their associates, successors and assigns, be and they are hereby created a body corporate by the name and style of "The Quincy and Warsaw Railroad Company," with perpetual succession, and power to build, maintain and use a railroad from the city of Quincy, in Adams county, to the city of Warsaw, in Hancock county, Illinois, upon some practicable line between said points.

Name and style.

Powers.

Seal.

Width of road.

Right of way.

Lands of infants.

Subscription to stock.

§ 2. Said corporation shall also have power to purchase, hold, lease, sell and convey estate, 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 renew 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.

§ 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 construction of said road, upon first paying or tendering therefor such amount of damages as shall have been settled by appraisers in the manner hereinafter provided, on all such lands as may be taken by said company, and for the purpose of cuttings and embankments, and for the purpose of obtaining stone, sand and gravel, may take and appropriate 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 pertaining 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.

§ 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, *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 according 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 one hundred 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 opened, 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.

§ 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. Payments on stock.

§ 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 seven directors, who shall be stockholders, of which meeting thirty days' notice shall be given by publication in one or more newspapers published in said city of Quincy, and also in said city of Warsaw; 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. 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 the road as aforesaid. 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. Annual exhibit.

§ 9. Said company is authorized and empowered to borrow from time to time such sum or sums of money as in its discretion may be necessary to aid in the construction of 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 execute a deed or deeds of trust on the same, or any part thereof, or on 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 make and dispose of any bonds issued for such loan, at such rates and on such terms as the board of directors may determine. Proviso.

§ 10. Said company shall have power to unite its railroad with any other railroad now constructed or which may Borrow money.

Union with other roads.

hereafter be constructed, upon such terms as may be mutually agreed upon between the companies connecting and to consolidate its property and stock, and to merge its corporate existence and franchises in and with those of the corporation or corporations owning any such connecting road upon such terms as may be agreed upon.

By-laws.

§ 11. 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 purposes and carry into effect the provisions of this act, and for the well-ordering and securing the interests of said company, not inconsistent with the laws of this state.

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

APPROVED February 16, 1865.

In force Feb. 16,  
1865.

AN ACT to revive and continue in force an act entitled "An act to incorporate the Randolph county Coal, Railroad and Manufacturing Company," and for other purposes.

Acts revived.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That an act entitled "An act to incorporate the Randolph County Coal Railroad and Manufacturing Company," approved February 14th, A. D. 1857, and the amendment thereto, approved February 24th, A. D. 1859, are hereby revived and continued in force, anything contained in the fifteenth section of said act or in the sixth section of said amendment thereto, to the contrary notwithstanding.

Corporators.

§ 2. That in place of the persons named as corporators in the first section of said act, Joseph B. Holmes, Herman C. Cole, Charles Block, Nathan Cole and Thomas M. Holmes shall have power to organize said company by the appointment of a president and such other officers as they may deem necessary; and shall act as directors of said company for one year from the organization thereof, and until their successors are elected and duly qualified.

Rights and privileges.

§ 3. That said company when organized shall have, possess and enjoy all the rights, powers, privileges and immunities granted by the act hereby revived, or heretofore conferred by law in this state upon any other company chartered for similar purposes.

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

APPROVED February 16, 1865.



AN ACT to incorporate the Rockford, Rock Island and St. Louis Railroad In force Feb. 16,  
Company. 1865.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That Thomas D. Robertson, Selden M. Church, Henry A. Nix, Benjamin C. Coblentz, William A. Sanborn, Wm. Pratt, Ralph Sage, William S. Thomas, A. L. Waite and Calvin Truesdale, and all such persons as shall hereafter become or be stockholders in the company hereby incorporated, are hereby created a body politic and corporate, under the name and style of "The Rockford, Rock Island and St. Louis Railroad Company," and by that name shall 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 or place in this state or elsewhere; to make, have and use a common seal, and to renew or alter the same at pleasure, and shall be capable, at law and equity, of contracting and being contracted with; and they are hereby authorized to make and ordain all necessary rules, regulations or by-laws for the carrying out of the purposes and objects of this act, and to alter and change the same at pleasure; and shall be and are hereby invested with all the powers, privileges, immunities and franchises, including the acquiring by purchase or otherwise, and holding and conveying real and personal estate, which may be needful to carry into full effect, the purposes and objects of this act.

§ 2. The capital stock of said company shall be five hundred thousand dollars, which may be increased by a vote of the board of directors of said company, to any sum not exceeding the actual cost of the construction and operation of said road; all which capital stock to be divided into shares of one hundred dollars each, which shall be deemed personal property, and may be subscribed for, issued and transferred in such manner as the board of directors may prescribe.

§ 3. The corporate company hereby created shall have power to survey, locate, establish, construct, complete, use, operate, alter and maintain a railroad with one or more tracks, commencing at the city of Rockford, in the county of Winnebago, thence, by the most practicable route, by way of the city of Sterling, in the county of Whiteside, and the city of Rock Island, in Rock Island county, to some practicable point on the east bank of the Mississippi river, opposite the city of St. Louis, in the state of Missouri, with all such appendages, to-wit: Side tracks, turnouts, switches, depots, depot grounds, stations, wells, water tanks, buildings, erections and structures as shall be necessary for the construction and operation of said road. Said company are hereby empowered to lay out, take, hold and use for the ordinary track of said railroad, the width of one hundred feet



along its entire route, and such additional grounds as shall be necessary for its said appendages; and in case of embankments, cuttings or crossings, if more than said one hundred feet, shall be necessary, then said company may take, hold and use as many more feet in width, at those points, as shall be necessary for the proper construction and security of said road; and said company are likewise hereby empowered to take, hold and use the grounds of stone and gravel, in section four, hereof mentioned, and the right of way thereto.

Survey of route.

§ 4. Said company is hereby authorized by their agents, surveyors and engineers, to enter upon any lands and make all necessary examinations and surveys along or near the proposed route for the location of said railroad and appendages, and shall be responsible only for the actual damage done to any such lands or premises in so doing; and in case said company shall not be able, by purchase or voluntary cession, to acquire the right of way and grounds for said railroad and appendages, and grounds of stone or gravel, (for the purposes of building, ballasting, or repairing the same or any of them,) and the rights of way to such grounds of stone or gravel, said company are empowered to take, condemn and use, or otherwise lawfully obtain and use the same, respectively, under the provisions of an act for condemning the rights of way, etc., for purposes of internal improvement, approved June 22, 1852, or under any other of the laws of this state that may be in force, in that behalf, authorizing the appropriation of lands or rights of way for such purposes.

Right of way.

§ 5. The rights of way and other real estate purchased by said company for any of the purposes aforesaid, shall be held by them in fee simple; and any such rights of way or real estate taken, condemned or appropriated, as aforesaid, shall, upon due fulfillment by said company of the conditions prescribed by law, to be by them performed or observed, to entitle them to such property, shall also be held by said company in fee simple.

Borrow money.

§ 6. The said company is hereby authorized, from time to time, to borrow such sum or sums of money, not exceeding the capital stock of said company, as may be necessary for the completing, equipping, furnishing, maintaining or altering their said railroad, and to issue and dispose of their bonds at such rate of interest not exceeding ten per cent., per annum, and at such discount as may be thought for the benefit of the company, and to mortgage their corporate property and franchises, or convey the same by deed of trust to secure the payment of any debt contracted by said company for the purposes aforesaid, or any of them. And the directors of said company may, at any time, confer on the holder of any such bond the right to convert the principal due or owing thereon, into stock of said company, and

any such bonds that may be sold or disposed of at a less rate than par, shall be as valid and binding upon said company as if the same were sold for the par value thereof.

§ 7. Said company shall have power to unite, connect or consolidate its railroad, or any part thereof, with any other railroad constructed, or which may hereafter be constructed in this state, upon such terms as may be mutually agreed upon by and between the several companies; and for that purpose full power is hereby given to the company hereby incorporated, to do all such acts and execute all such instruments as may be necessary or advisable to effect such union, connection or consolidation, as the case may be: *Provided*, that at any annual meeting of the stockholders, three-fourths of them shall vote for such consolidation.

Union with other roads.

Proviso.

§ 8. All the corporate powers of said company shall be vested in and executed by a board of nine directors, who shall be chosen by the stockholders of said company in the manner hereinafter provided, who shall hold their offices for one year and until their successors are elected and qualified; and shall have power to appoint all such officers, agents and servants as shall be necessary for the transaction of the business of the company. A majority of the directors present, at any meeting of said board, shall constitute a quorum to do business. None but stockholders shall be eligible as directors. Vacancies occurring in the board of directors between elections, shall be filled by the board at any legal meeting thereof, and each person so elected to fill a vacancy, shall, thenceforth, be and continue in office for the remainder of the term, as if elected at the last preceding annual election.

Directors.

Quorum.

§ 9. A meeting of the stockholders of said company shall be held, annually, for the election of directors; and the time, place and manner of holding such elections (except the first election which is hereinafter separately provided for) shall be fixed and determined by the by-laws, for the time being, of said company; but at such meetings the voting shall done by ballot; and each stockholder, either in person or by lawful proxy, shall be entitled to one vote for each share of said capital stock, he, she or they may, *bona fide*, hold at the time of election, and the nine persons receiving the highest number of votes cast shall be declared elected.

Annual election.

§ 10. The board of directors shall, out of their own number, elect a president and vice-president of said board, whose powers and duties, respectively, shall be declared and determined by the by-laws of the company, for the time being.

Officers.

§ 11. Thomas D. Robertson, Henry A. Nix, Benjamin C. Coblentz, Ralph Sage and William S. Thomas, are hereby appointed commissioners, who, or a majority of whom, are hereby authorized to open subscription books for said capital stock, at such place or places as they may deem proper, and shall give at least twenty days' public notice of the

Books opened.

times and places, when and where such books shall be opened ; and shall keep such books so opened until the sum of fifty thousand dollars of said capital stock shall be subscribed for. Said commissioners shall require each subscriber to pay five per cent. on each share subscribed for by him, at the time of subscribing ; and when the sum of fifty thousand dollars shall have been so subscribed for, the said commissioners shall call a meeting of the stockholders, at the city of Sterling, in Whiteside county, in this state, to choose the first board of directors of said company, by giving twenty days' public notice of the time, place and object of such meeting ; and when such directors are chosen, said commissioners shall deliver such subscription books, with all sums of money received by them as such commissioners, to said directors. At the time and place so appointed for such meeting and election, the said commissioners, or a majority of them, shall attend and act as inspectors of said election ; and the stockholders, by themselves, or a lawful proxy, shall proceed to and elect nine persons to compose said first board of directors, by ballot ; such election shall be determined by a majority of votes cast ; and the said inspectors, or a majority of them, shall certify the result of said election, under their hands, which certificate shall be recorded in the record book of said company, and shall be sufficient evidence in all places, of such election of the directors therein named. Said first board of directors shall elect a chairman to preside at their meetings until they shall elect their president. The several notices in this section required to be given, shall be so given by publication in some two or more newspapers having circulation in the vicinity of said proposed railroad.

First board.

Notice of election.

Crossing other roads.

Proviso.

Call for stock.

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

§ 13. It shall be lawful for the directors to make calls upon the sums subscribed to said capital stock, at such times and in such amounts as they shall deem fit, not exceeding ten per cent., per month, or a proportionate per centage for a longer period, giving at least thirty days' notice of each said call in at least three newspapers published in the vicinity of said road : and in case of failure of any stockholder to make payment of any such call for sixty days after the same shall have been due, the board of directors are hereby authorized to declare said stock so in arrears, and all sums paid thereon forfeited to the company ; or said directors may enforce the payment of the whole amount subscribed by such stockholder, according to law.



§ 14. The said company is hereby authorized and empowered to convey, sell and dispose of to any railroad company now or hereafter to be incorporated, the whole or any portion of their railroad authorized to be constructed by this act, upon such terms as may be agreed upon between the respective companies; the expediency of such proceeding having been first submitted to a vote of the stockholders of this corporation for their approval or disapproval, at any annual meeting, and approved by three-fourths of the votes of the stockholders of said company.

§ 15. In case it shall at any time happen that an election shall not be made at the time when, in pursuance of this act it ought to be made, the said corporation shall not, for that cause, be dissolved; but such election shall be held at any other time directed by the by-laws of said corporation.

§ 16. Said company are hereby authorized to take and receive from any of the subscribers of said capital stock, bonds or promissory notes, secured by mortgages on real estate, or mortgages on real estate alone, for and in payment of the full amount of their several subscriptions; which securities, respectively, may bear interest at the rate of ten per cent., per annum; principal and interest, respectively, to be payable at such times as the directors and said subscribers shall agree, respectively. Said securities, respectively, shall be assignable in all respects as in ordinary cases; and the signature of the president, for the time being, as president of the board of directors of said company, shall be a sufficient signature for the company in that behalf; and the assignment of any such note or bond shall, of itself, carry with it and be considered to include the assignment, also, of the mortgage securing the same, as in ordinary cases.

§ 17. It shall be lawful for said company, at any time or times, hereafter, to project and extend from any point or points of their said road, branches or side tracks thereof, to any coal or mineral bed or beds, or mines, in the respective vicinity; such branches or side tracks, with the necessary appendages, shall be laid out, built and governed, and rights of way and other grounds obtained therefor under and according to the provisions of this act; and such branches and side tracks shall be and come in the aforesaid and all other respects, within the meaning and operation of this act, so far as applicable, and the same shall be treated in all respects as a part of the main line.

§ 18. The main line of said railroad shall be divided into three separate sections or grand divisions; the first thereof to begin and to extend from the city of Rockford, in the county of Winnebago, to the city of Sterling, in the county of Whiteside; the second from said city of Sterling to the city of Rock Island, or to a point near the city of Rock Island, in Rock Island county; and the third grand



division or section to extend from the southern terminus of said second grand division or section to the southern terminus of the main line of said road, opposite the city of St. Louis, aforesaid. And said corporation is hereby further empowered to first build either of said grand divisions or sections, that may seem best and most practicable; and the building of either one of said grand divisions or sections, within the time hereinafter specified, shall be deemed a full compliance with the requirements and objects of this act. Anything in this act contained, to the contrary notwithstanding.

Time to begin  
and complete  
road.

§ 19. Said company shall commence the construction of said railroad within five years, and complete the same as aforesaid, within fifteen years from the passage of this act.

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

APPROVED February 16, 1865.

In force April 18, 1865. AN ACT to amend an act to incorporate the Rock Island and Alton Railroad Company, approved February 14, 1855.

Time of comple-  
tion extended.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That so much of the act to which this is an amendment, as requires said company to complete said railroad within six years from the passage of said act, is hereby repealed; and that the time be extended for completing said railroad, for ten years after the passage of this amendment.

Application of  
act.

§ 2. That this amendment shall apply to the St. Louis, Alton and Rock Island Railroad Company, and all the acts of the present board of directors of said company which are consistent with the charter of said company, known as "An act to incorporate the Rock Island and Alton Railroad Company," approved February 14, 1855, and the amendments thereto are hereby legalized and declared valid.

APPROVED February 16, 1865.

In force Feb. 16,  
1865.

AN ACT to incorporate the Sangamon Valley Railroad Company.

Cooperators.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That Horace Billings, George H. Nolte, Christopher H. C. Havekluft, Charles Sprague, J. Henry Shaw, Francis H. Rearick, Samuel Shaw, Sylvester Paddock, John P. Dick, Levi Dick, and their associates, successors and assigns, be and they are

hereby created a body politic and corporate, by the name and style of "The Sangamon Valley Railroad Company," with perpetual succession; with power to sue and be sued, plead and be impleaded, in any court of law or equity in this state; to make and use a common seal, and to alter the same at pleasure; with power to build a railroad and use and maintain the same, with single or double track, from the city of Beardstown, in the county of Cass, through or near the corporate limits of the town of Chandlerville, in said county of Cass, to some point on the Petersburg and Tonica railroad, to be selected by the directors of said company; and thence by the most practicable route to the city of Springfield in Sangamon county.

§ 2. That the several counties, cities or towns, 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 county, city, or town shall vote for the same at an election to be held under an order of the county court in cases of counties, and of the corporate authorities in cases of towns and cities.

§ 3. This company is hereby authorized, for the purpose of procuring the right of way of 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 22, 1852, for the condemnation of land by incorporated companies.

§ 4. That all the rights, privileges, advantages and powers conferred upon the St. Louis, Rock Island and Alton railroad company, so far as applicable, are hereby conferred upon the Sangamon Valley Railroad Company, with the same regulations in relation to organization and election of officers.

§ 5. Said railroad company is hereby divided into three sections: The first extending from Beardstown to Chandler-ville; the second from Chandlerville to the Petersburg and Tonica railroad; and the third from the Petersburg and Tonica railroad to Springfield. And its board of directors may commence and complete any one of said sections at such times as they may deem proper; and the capital stock of each section shall be separate, and shall be fixed by the board of directors at such a sum as they may deem necessary to complete the same—the stock of each section, however, to be divided into shares of fifty dollars.

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

APPROVED February 16, 1865.

In force Feb. 15, 1865. AN ACT to incorporate the Shawneetown branch of the Illinois Central Railroad Company.

Name and style.	<p>SECTION 1. <i>Be it enacted by the People of the State of Illinois, represented in the General Assembly,</i> That all such persons and corporations as shall become stockholders under the provisions of this act, and their successors, be and are hereby created a body politic and corporate by the name of the Shawneetown branch of the Illinois Central Railroad Company, with all the rights and powers incident and necessary to such corporation.</p>
Capital stock.	<p>§ 2. The capital stock of said company shall be five hundred thousand dollars, with power to increase the same, from time to time, in such amount as may be found necessary to complete and operate the railroad herein authorized ; it may be divided into shares of one hundred dollars ; each share shall entitle the owner to one vote.</p>
Place and election of directors	<p>§ 3. When twenty-five thousand dollars is subscribed the subscribers may meet at Mount Vernon and elect seven directors, and as many more, from time to time, be fixed by by-laws. The board of directors so elected, and their successors, shall have and exercise all the powers of the corporation, and which includes every power necessary to accomplish the objects of this act, and may for the purpose adopt by-laws, rules and regulations for the management and government and control of all the property and affairs of the corporation, provided the stockholders may by resolution limit and restrict their powers in such manner as they may think proper.</p>
Route of road.	<p>§ 4. The corporation may take, hold and convey such real estate and personal property as may be deemed necessary to carry out the objects of this act, which are building, equipping, maintaining and operating a railroad, with single or double tracks, from Tonti, on the Chicago branch of the Illinois Central Railroad, to Salem and Mount Vernon to Shawneetown, with all convenient turn-outs, side tracks, stations, depots, buildings, and other structures.</p>
Right of way.	<p>§ 5. For the purpose of acquiring the necessary lands for a right of way, not exceeding one hundred feet in width, and for turn-outs, side tracks, stations, depots, buildings, and other structures, 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 of any lands, the same may be condemned, taken and used under the provisions of "An act to amend the law condemning rights of way for purposes of internal improvement," approved June 22, 1852.</p>
Powers and privileges.	<p>§ 6. All the rights, powers, privileges and actions 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</p>

hereby created, conferred, authorized and imposed upon this company: *Provided*, any judge of a circuit or county court may, instead of the judge of the district court of the United States, appoint the third person as commissioner, in case of a disagreement between the commissioners: *And, provided, further*, that in case either party refuse or neglect for one month after the request of the other to appoint or choose one commissioner, as therein provided, then any circuit or county judge may appoint such commissioner also. Proviso.

§ 7. The corporation may borrow such sums of money [as] they may deem advisable, and upon such terms as they may agree upon, for carrying out the objects of this act, and may provide any security therefor, as they may think best, by bond and mortgage, or otherwise. Borrow money.

§ 8. The county court of Jefferson county are hereby authorized and empowered to subscribe for such amount of the capital stock of said company as they may think proper. They may issue bonds of the county 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, or in payment of, their subscription to said stock, all and each to be upon such time, terms and in such mode as they may deem best, or they may make such other disposition of said swamp and overflowed lands in aid of the construction and maintenance of said railroad as they may deem best for the public interest of said county. Jefferson county may take stock.

§ 9. Before any disposition is made of said swamp lands, overflowed lands, or any subscription to the stock of said company, the county court may at any regular or special term of said court, order a special election to be held for the purpose of taking the sense of the qualified voters of the county thereupon, giving such notice thereof as they may deem proper, and which shall be conducted and returns made, canvassed and published, in all respects as other county elections. The county court shall prepare a proposition or propositions of the mode or modes, one or more, containing a brief, clear, distinct idea of the plan or plans proposed by them for aiding in constructing of said road, which said proposition shall be printed at large as an election ticket, and the voters may express their will on said proposition by writing "yea" or "nay" on said tickets. The proposition or plan having the highest number of votes shall be adopted by the county court, provided a majority of all the votes given in favor of the several propositions or plans, so submitted in aid of said road, shall be a majority of all votes given at said election. Election- "for" or "against."

§ 10. Any county through which said road may run, or may be joined, or connected, or intersected, may and are authorized and empowered to aid in the construction of the same, and for this purpose the provisions of the seventh, Counties may take stock.



eighth and ninth sections of this act shall extend, include and be applicable to every such county and every such railroad.

Commissioners  
to open books.

§ 11. Uriel Mills, D. K. Green, John Cunningham, John W. Merritt, O. W. Webster and T. J. Black, of Marion county, be and they are hereby appointed commissioners to open books and receive subscriptions to the capital stock of said company; any one of said commissioners may act alone. When ten thousand dollars have been subscribed, said commissioners, or any five of them, may appoint a time and place for a meeting, and give notice thereof to the subscribers, for the purpose of electing a board of directors. Any two of said commissioners may act as judges, and one or more as clerks of said election, and those so acting as judges and clerks shall count the votes and give certificates of their election.

Stock assignable

§ 12. The stock of said company shall be deemed to be personal property, and transferable as provided by the by-laws. This shall be deemed and taken as a public act, and all the by-laws, rules and regulations and other proceedings of the stockholders and board of directors shall be sufficiently proven by a certified copy, under the hand of the secretary of said company. This act to take effect from its passage.

APPROVED February 16, 1865.

In force Feb. 16, 1865. AN ACT to incorporate the Shawneetown branch of the Illinois Central Railroad Company.

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 hereby are created a body politic and corporate, by the name of the "Shawneetown Branch of the Illinois Central Railroad Company," with all the rights and powers incident and necessary to such corporation.

§ 2. The capital stock of said company shall be eight hundred thousand dollars, with power to increase the same, from time to time, in such amount as may be found necessary to complete and operate the railroad herein authorized; it may be divided into shares of one hundred and fifty dollars; each share shall entitle the owner to one vote.

Place of election  
of directors.

§ 3. When an amount equal to one thousand dollars per mile of the route of said road is subscribed, the subscribers may meet at Mount Vernon and elect seven directors, and as many more, from time to time, as may be fixed by laws.

The board of directors so elected, and their successors, shall have and exercise all the powers of the corporation, and which includes 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 that stockholders may, by resolution, limit and restrict their powers in such manner as they think proper. The corporation may take, hold and convey such real estate and personal property as may be deemed necessary to carry out the objects of this act, which are building, equipping, maintaining and operating a railroad, with single or double tracks, from Tonti, on the Chicago branch of the Illinois Central Railroad, thence to Salem, in Marion county, Illinois, thence to Mount Vernon, Jefferson county, and thence to McLeansboro, in Hamilton county, and thence to Shawneetown, a point on the Ohio river, in Gallatin county, Illinois, with all convenient turn-outs, side tracks, stations, depots, and other structures and buildings.

Powers and privileges.

§ 4. For the purpose of acquiring the necessary lands for a right of way, not exceeding one hundred feet wide, and for turn-outs, 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.

Right of way.

§ 5. All the rights, powers, privileges and actions 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 may, instead of the judge of the district court of the United States, 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.

Rights conferred

§ 6. The corporation may borrow such sums of money as they deem advisable, 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.

Borrow money.

§ 7. Uriel Wills, D. K. Green, Willis D. Green, Thomas M. Casey, Noah Johnson, A. G. Cloud, S. S. Marshall, Thomas S. Ridgeway and Orvil Poll, be and they are hereby appointed commissioners to open books and receive sub-

Books of subscription.

Elections.      scriptions to the capital stock of said company; any one of said commissioners may act alone. When the sum of one thousand dollars per mile has been subscribed, said commissioners, or a majority of them, may appoint a time and place and give notice for a meeting of subscribers for the purpose of electing a board of directors. Any two of said commissioners may act as judges, and one or more as clerks of said election, and those so acting shall canvass the votes and give a certificate of election.

Stock personal property.      § 8. The stock of said company shall be deemed personal property, and transferable as provided by the by-laws. This shall be deemed and taken as a public act, and all the by-laws, rules and regulations and other proceedings of the stockholders and board of directors shall be sufficiently proven by a certified copy under the hand of the secretary of said company.

§ 9. This act to take effect from and after its passage.  
APPROVED February 16, 1865.

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In force April 18, 1865.      AN ACT to amend an act entitled "An act to incorporate the Springfield, Keokuk and Warsaw Railroad Company," approved February 13, 1857.

Extension time.      of      SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That so much of said act as requires the said company to commence said road within four years, and complete the same within ten years after the passage of said act, be and the same is hereby repealed; and that the time be extended for completing said road or any one or more sections of the same, for ten years after the passage of this amendment: *Provided*, that a completion of any one or more sections of said railroad shall be considered a compliance with the requirements of said act.

Proviso.

APPROVED February 16, 1865.

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In force Feb. 16, 1865.      AN ACT in relation to the St. Louis, Alton and Rock Island Railroad Company.

May mortgage property.      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 vested with full power, for the purpose of completing said road, to lease, mortgage, sell, convey and dispose of, to any individual, persons or corporation, all property, whether real, personal or mixed, so acquired by them or in their name, for any purpose or pur-

poses whatever, whether obtained or possessed by gift, grant, purchase, forfeiture or otherwise, including the whole or any portion of their road bed, right of way, grading, bridging, stone, gravel, timber or other material, and all privileges and things whatever, thereto appertaining, and such mortgage, lease, sale, transfer or conveyance by them made of any such estate or effects, shall be and is hereby declared valid: *Provided*, that if said company deem it for the interest of said company to sell the road bed, estate and effects of said company, that the proceeds shall be divided among its stockholders of said company, in proportion to the stock each subscribed: *Provided*, that said road shall not be sold to any competing line. Proviso.

§ 2. This act shall be in force from and after its passage.  
APPROVED February 16, 1865.

AN ACT to incorporate the St. Louis, Vandalia and Terre Haute Railroad Company. In force Feb. 10, 1865.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That Henry Wing, F. W. Lytle, John S. Dewey, Andrew Mills, Solomon Koepfli, Garrett Crownover, Curtis Blakeman, William S. Smith, Charles Hoiles, William S. Waite, John B. Hunter, Williamson Plant, Andrew G. Henry, Jediah F. Alexander, Nathaniel M. McCurdy, August H. Deickman, Ebenezer Capps, Frederick Reman, Matthias Fehren, Michael Lynch, Thomas L. Vest, J. F. Waschefort, Samuel Q. Quinn, Chauncey Rose, and Joseph H. Morgan, and such other persons as may associate with them, for the purposes of this act, are hereby constituted a body corporate and politic, by the name and style of "The St. Louis, Vandalia and Terre Haute Railroad Company," with perpetual succession, and by that name and style shall be capable, in law, of taking, purchasing and holding, leasing, selling and conveying, estate and other property, whether real, personal or mixed, so far as the same may be necessary for the purposes hereinafter mentioned; and in their corporate name may sue and be sued, have a common seal, and may have and exercise all powers, rights, privileges and immunities, which are or may be necessary to carry into effect the purposes and objects of this act as the same are herein set forth. Name and style.

§ 2. The said railroad company shall have full power and authority to locate, construct, furnish and maintain a railroad, with one or more tracks, commencing on the left bank of the Mississippi river, opposite St. Louis, running thence eastwardly, through Greenville, the county seat Route opened.



of Bond county, and through Vandalia, by the most eligible route, to a point on the river Wabash, which they may deem the most convenient for extending the same to Terre Haute, in Indiana; and for this purpose are authorized to lay out their said road in width not exceeding one hundred and fifty feet, through its whole length; and for the purpose of cuttings, embankments and all necessary uses, may take as much more land as may be needed for the construction and security of said railroad.

**Capital stock.** § 3. The capital stock of said company shall be three millions of dollars, which may be hereafter increased by a vote of the majority in interest of the stockholders, at their annual meeting, or at a special meeting, called for that purpose; and said capital stock shall be divided into shares of one hundred dollars each.

**Stockholders, liable how far.** § 4. No stockholder shall be held liable for the debts or other liabilities of the company, beyond the amount of stock for which he may have subscribed.

**Annual election.** § 5. The immediate government and direction of said company shall be vested in nine directors, who shall be chosen annually by the stockholders, and hold their offices until a new board is chosen; but until the first choice of directors, the corporators above named shall constitute the board of directors, with power to fill vacancies; and any seven of the same shall be a quorum, and may at any time after the passage of this act, cause books to be opened for subscriptions to the capital stock of said company, at such times and places, according to such conditions and regulations, and under the supervision of such persons as they may direct.

**Officers.** § 6. The said board of nine directors shall elect one of their number president, and choose a secretary and treasurer, each of whom shall be a stockholder in said company.

**Sections of road.** § 7. The said road may be constructed and completed in sections of any prescribed length, to be determined upon by the directors; and any portion of the road so completed may be put in operation, with the privilege of collecting the charges for freight or passage.

**Time of commencement.** § 8. Whenever, in the opinion of the board of directors, a sufficient amount of capital stock has been subscribed, the work on said road may be commenced and prosecuted to its final completion.

**Rights and privileges.** § 9. The said company shall have all the rights, privileges, powers and immunities, which are commonly given to, or exercised and enjoyed by, railroad companies in this state, whether the same be directly expressed in this act or not.

**City or county may take stock.** § 10. Any incorporate 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; and may issue bonds in denominations not less than one hundred dollars, bearing interest

at a rate not exceeding ten per centum per annum, payable annually; which bonds may run any period, not exceeding fifteen years, to be determined on by the county court, board of supervisors, town trustees, or other proper authority issuing said bonds: *Provided*, that before said stock shall be subscribed, an election shall be held in conformity with the laws in regard to ordinary city, town or county elections, the usual notice having been given, and returns to be made in the usual way; at which election, a majority of the legal voters voting on that question shall have voted in favor of such subscription; and to this end, the county court, board of supervisors, town trustees, or other proper authority may, from time to time, order elections, specifying the amount proposed to be subscribed: *And, provided further*, that the vote of the people of Bond county, at the last November election, in favor of subscribing one hundred thousand dollars to a railroad on exactly the same line, with the same points, may be taken and held to be a vote for subscription of a like amount to the capital stock of the St. Louis, Vandalia and Terre Haute railroad, if the county court of Bond county choose to do so, rather than incur the expense of a new election.

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

APPROVED February 10, 1865.

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AN ACT to authorize the inhabitants of the township of Sycamore, in De Kalb county, to subscribe to additional stock of the Sycamore and Cortland Railroad Company. In force Feb. 15, 1865.

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 additional shares of stock in the Sycamore and Cortland railroad company, in a sum not exceeding five thousand dollars; which said additional stock shall be raised and controlled in the same manner, and subject to the same conditions and provisos, as is provided in an act approved February 20, 1861, and entitled "An act to authorize the inhabitants of the township of Sycamore, in DeKalb county, to subscribe to the stock of the Sycamore and Cortland railroad company."

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

APPROVED February 15, 1865.

In force Feb. 16, 1835. AN ACT to incorporate the Tolono and Indianapolis Railroad Company.

Name and style.	<p>SECTION 1. <i>Be it enacted by the People of the State of Illinois, represented in the General Assembly,</i> That M. L. Sullivant, J. M. Sullivant, William Ross, C. L. Eaton, Samuel W. Brown, Woodson Morgan, O. E. Culbertson, and G. D. Tewksbury, and their associates, successors and assigns, are hereby created a body politic and corporate, under the name and style of the "Tolono and Indianapolis railroad Company," with perpetual succession, and by that name they are hereby made capable to sue and be sued, plead and be impleaded, defend and be defended, in any court of law and equity in this state or elsewhere; and to make, have and use a common seal, and the same to renew and alter at pleasure; and they shall be and are hereby vested with all powers, privileges and immunities, which are or may be necessary to carry into effect the purposes and objects of this act as hereinafter set forth. And the said company are hereby authorized and empowered to locate, construct, and finally complete a railroad from any point in the town of Tolono to the east line of this state in the northern part of Edgar county; and for such purpose the said company are hereby authorized to lay out their said railroad one hundred feet wide, and for the purpose of cuttings, embankments, stone and gravel, to take as much more land as may be necessary for the proper construction of said railroad.</p>
Powers.	
Capital stock.	<p>§ 2. The capital stock of said company shall consist of eight hundred thousand dollars, which may be increased to any extent considered necessary by said company, not exceeding the cost of their said railroad and its appurtenances, to be divided into shares of one hundred dollars each; and the said company are hereby authorized to receive in payment for stock any lands lying within ten miles of their said railroad, and whensoever the directors of said company may deem it expedient, to sell and convey said lands. The immediate government and direction of said company shall be vested in not less than five nor more than nine directors, who shall be chosen by the stockholders of said company, in the manner hereinafter provided, and who shall hold their office for one year after their election, and until others shall be duly qualified as such; and the said directors, a majority of whom shall constitute a quorum for the transaction of business, shall elect one of their number to be the president of said company, and shall at the same time elect a secretary and treasurer.</p>
Directors.	
Quorum.	
Surveys.	<p>§ 3. The said company is hereby authorized, by their agents, surveyors and engineers, to cause such examination and surveys to be made of the ground and country between Tolono and the east line of this state, as shall be necessary to ascertain and determine the best route whereon to con-</p>



struct the said railroad; and it shall be lawful for said company to enter upon and take possession of and use all such lands and real estate as may be necessary for the construction and maintenance of their said railroad and its depots, side tracks, water stations, engine houses, machine shops, and other buildings and appendages: *Provided*, that lands or real estate so entered upon and taken possession of by the said company, shall be paid for, in damages, by the said company, at such prices as shall be agreed upon by the said company and the owner or owners of such lands or real estate; and in case of disagreement, the price or damages shall be estimated and fixed, and recovered in the manner provided for under the act entitled "An act to provide for a general system of railroad incorporations," approved November 5th, 1849.

Right of way.

Proviso.

§ 4. The time for holding the annual meeting of said company shall be fixed and determined by the by-laws of said company; and at all meetings each stockholder shall be entitled to one vote for each share of the capital stock he may hold at the time of such meeting. Said vote may be cast in person or by lawful proxy: *Provided*, that all installments and assessments, which may have been called, shall have been paid prior to such meeting by the person offering his vote.

Annual meeting

§ 5. The persons named in the first section of this act are hereby appointed commissioners, who, or a majority of whom, are hereby authorized to open subscription books for said stock, at such places as they may deem proper, and shall keep said books open until forty thousand dollars of the capital stock shall have been taken. Said commissioners shall require each subscriber to pay five dollars on each share subscribed by him, at the time of subscribing; and when the said sum of forty thousand dollars shall have been subscribed, the said commissioner shall call a meeting of the stockholders at Tolono, by giving at least twenty days' notice of the time and place of such meeting in two newspapers published in one or more of the counties in which said railroad is to be built, for the purpose of electing directors of said company; and when the directors of said company shall have been elected, the said commissioners shall deliver said subscription books, with all sums of money received by them as commissioners, to said directors. No person shall be a director of said company unless he shall be a stockholder thereof.

Open books.

§ 6. That the real estate purchased by said company for right of way, depots and other appendages, or which shall be taken by said company in pursuance of law as in this act provided, shall on the payment of the money belonging to the owner or owners of said real estate as a compensation for the same, become the property of said company in fee simple.

Real estate.



To receive tolls.

§ 7. The said company may transport persons and property upon said railroad by the power of steam or otherwise, and may take and receive such rates of toll for transporting the same as the directors of said company shall from time to time establish; and the directors are hereby authorized and empowered to make all such rules, regulations and by-laws as they may deem necessary to accomplish the designs and purposes and to carry into effect the provisions of this act, and for the transfer and assignment of the stock of said company, which is hereby declared to be personal property, and transferable in such manner and at such place or places as shall be provided by the by-laws of said company.

Vacancy.

§ 8. In case of the death, resignation or removal of any director before the end of the term for which he was elected, the vacancy may be filled in the manner prescribed by the by-laws of said company; and in case of the absence of the president and vice president, the board of directors shall have power to appoint a president *pro tempore*, who shall exercise such powers and perform such duties as he may be authorized to exercise and perform by the by-laws of said company. In case it shall at any time happen that an election shall not be made on any day on which, in pursuance of this act, it ought to be made, the said company shall not for that cause be dissolved, but such election shall be made at any other time directed by the by-laws of said company.

Elections.

Calls on stock.

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

Borrow money.

§ 10. That the said railroad company may have power to borrow such sum or sums of money as may be necessary for completing and finishing or operating their said railroad, and to issue and dispose of their bonds in denominations of not less than five hundred dollars, at such rate of interest not exceeding seven per cent. per annum, and at such discount as may be thought for the benefit of the company. And the said company shall also have the power to lease their said railroad to any person or persons or to any railroad company, whose road shall connect therewith.

Time of completion.

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

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

APPROVED February 16, 1865.

AN ACT to amend an act entitled "An act to incorporate the Vincennes and Decatur Railroad Company," approved February 13, 1857. In force April 18, 1865.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That section one of said act be so amended as to strike out the names of William Wood, P. H. Hatchett and John F. Wright, and insert in lieu thereof the names of James H. Steel, William Reavill and D. Y. Allison of Crawford county. Names erased.

APPROVED February 16, 1865.

AN ACT to incorporate the Wilmington and Monee Railroad Company. In force Feb. 16, 1865.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That Archibald J. McIntyre, Thomas M. Turner, John H. Daniels, Albert W. Bowen, William T. Nelson, John W. Young, Henry M. Ward, Benjamin F. Russell and Josiah McRoberts, their associates, successors and assigns, be and they are hereby constituted a body politic and corporate, by the name and style of "The Wilmington and Monee Railroad Company," and by that name shall have perpetual succession, with powers to contract and be contracted with, sue and be sued, plead and be impleaded, in all courts and places; to adopt a common seal, and alter the same 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 provisions and intentions of this act. Name and style. Powers.

§ 2. Said company, when organized, shall have the right to locate, build, construct, maintain, equip, operate and continue to operate a railroad from the west bank of the Kankakee river, at or near the village of Wilmington, in Will county, Illinois, to the east line of the village of Monee, as now laid out in said county. Said company, in laying out, locating, building, constructing and operating said railroad, may cross any railroad or railroad line, now laid out, or hereafter to be laid out in this state; and may construct said railroad across any water course, road or highway, and 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, and in case of failure to agree, then the terms shall be settled by three commissioners, to be appointed by the judge of the circuit of Will county, upon the application of either party. Said company shall have the right to purchase, hold, lease, sell and convey real estate and Make and run road. Crossing roads.

personal property, so far as the same shall be necessary to carry out the intentions of this act.

Width of road.

Right of way.

§ 3. Said company shall have the right to lay out and establish their railroad, not exceeding one hundred feet in width, 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 railroad, by first paying therefor such amount of damages as shall be agreed upon between the said company, and the owner or owners of any land over which said railroad may be located, or in case of disagreement, then paying or tendering therefor such 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 making embankments, obtaining stone, sand, gravel, or other material, said company may take and appropriate so much more land as may be necessary for the proper construction, maintenance and security of said railroad; and for the purpose of constructing shops, depots, side-tracks, and other suitable and convenient fixtures, in connection with appurtenances to said railroad, may take, have, use and occupy any lands on either side of said railroad, not exceeding two hundred feet in width; said company taking all such lands by gift or purchase, or making satisfaction for the same in the manner hereinafter provided. This act shall not be so construed as 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 obstruct the same; and said company shall have power to construct their road across any public road or railroad upon like terms and conditions, anything in the laws or charter of any railroad to the contrary notwithstanding.

Lands taken.

§ 4. If said company cannot agree with the owners of lands, which it may be necessary to take for the purposes aforesaid, so as to procure the same by deed, or the voluntary 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 wanted may be situated, then 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 5, 1849, and under the act amendatory to said act, approved June 22, 1852, for the condemnation of lands by corporate companies.

Capital stock.

§ 5. The capital stock in said company shall be five hundred thousand dollars, and may at any time be increased to eight hundred thousand dollars. The corporators named in the first section of this act, or a majority of them, shall, at their option, cause books to be opened for subscription to the capital stock of said corporation, divided into shares of fifty dollars each, at such times and places as they may

determine, and shall give at least thirty days' notice thereof by publication in a newspaper published in the city of Joliet, Wilmington or Monee, in any or all of them, as or said corporation may deem best. It shall be lawful for all persons of lawful age to subscribe any amount to take capital stock of said company.

§ 6. The corporators of said company may require each subscriber to pay such an amount at the time of subscribing, not exceeding five dollars on each share subscribed, as they or a majority of them may determine. Calls on stock.

§ 7. As soon as one hundred thousand dollars of the capital stock shall be subscribed, the corporators herein named, or a majority of them, shall call a meeting of the stockholders for the election of five directors, who shall be stockholders, of which meeting twenty days' notice shall be given by publication in one or more papers published in Will county; and the said election shall be conducted by and under the direction of two judges appointed by the stockholders who shall be present, and the persons having a plurality of votes shall be declared elected such directors. Each stockholder shall be entitled to one vote for every share he or she may hold, and any person entitled to vote may vote by written proxy. Whenever the said sum of one hundred thousand dollars shall be subscribed, the said corporation may commence to construct and complete their said railroad. Elections.

§ 8. As soon as the said five directors shall be elected, they shall immediately elect from their number a president, secretary and treasurer, who shall hold their offices for the period of one year, and till their successors are duly elected and qualified. It shall be the duty of the secretary, whenever required by the president, to call meetings of the board of directors, and notice thereof shall be given in the manner prescribed by the president. The secretary shall keep the books of said company, and shall keep a correct record of all the acts and doings of said corporation. Officers.

§ 9. All elections, after the first, for officers of this corporation, shall be held on the first Monday of April, annually, under the direction of two stockholders, not directors at the time, to be appointed by an order of the board at a previous meeting: *Provided*, that said board of 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 the office of said company, which may be established whenever the board of directors shall determine, and which said board may remove at pleasure. 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 to do business, and shall reside within the limits of Will county. Annual election.

Term of office.



Borrow money.

§ 10. Said board of directors shall have the power to borrow, from time to time, such sums of money as in their discretion may be necessary to aid in the construction and completion of said road, and pay any rate of interest, not exceeding ten per cent., per annum, and to pledge and mortgage said railroad and its appendages, or any part thereof, or any other property, effects, rights, credits or franchises of the said company as security for any loan of money and interest thereon, and issue and dispose of bonds for the purpose of paying any loan and the interest thereon that said board of directors may make.

Treasurer to receive and disburse funds.

§ 11. It shall be the duty of the treasurer to receive, disburse and account for the funds belonging to said corporation, as required by the board of directors, and shall give bonds for the faithful performance of his duties, in such sum as the board of directors shall determine.

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

APPROVED February 16, 1865.

In force Feb. 16, 1865.

AN ACT for transcribing certain records in Fulton county.

Old records to be copied.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the board of supervisors of the county of Fulton are hereby authorized and empowered to provide a suitable book or books, into which the clerk of the circuit court of said county shall transcribe any and all faded, obliterated or illegible record of deeds, mortgages, or other instruments of writing, recorded in the recorder's office of said county, which the said board of supervisors may deem proper to have so transcribed; and for which transcribing the said clerk shall receive a reasonable compensation, to be paid by order of the said board out of the county treasury of said county.

Pay of clerk.

Index.

§ 2. The clerk shall note, in writing, at the end of each deed, or other instrument so transcribed, the volume and page from which it was transcribed.

Validity of copies of record

§ 3. All such records so transcribed by order of the said board of supervisors, whether done before or after the passage of this act, shall have the same force, validity and effect as is by law allowed to other records; and copies thereof duly certified, shall have all the legal force and effect of the original record.

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

APPROVED February 16, 1865.

AN ACT authorizing the transcribing of certain records in Hardin county, In force Feb. 16,  
and to amend an act therein named. 1865.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the county court of Hardin county is hereby authorized to provide a sufficient number of well-bound record books, which books they may deliver to such competent person as they may appoint, which person shall receipt for said books, and shall take an oath faithfully to perform the duties hereinafter mentioned. Books for record

§ 2. It shall be the duty of such person, so to be appointed, to proceed to the office of the circuit clerk of said county of Hardin, and faithfully transcribe and copy into such books all deeds and conveyances which appear on record in the record books of conveyance of said county, marked "A" and "B;" and such person shall make a certificate, at the end of each book, that the same is correctly transcribed: *Provided*, that such person shall not transcribe the record of any mortgage which is entered as satisfied on the margin or face of said record. Books to be copied.  
Proviso.

§ 3. The person appointed as aforesaid shall, after transcribing each deed or other title paper and acknowledgment, note, at the end thereof, at what time and in what book and page the same was originally recorded. Index.

§ 4. When said transcript shall have been completed and certified, as aforesaid, and deposited in the circuit clerk's office of said county, they shall, to all intents and purposes, be considered as books of record of said county of Hardin; and copies of such transcribed deeds and title papers, certified by the recorder of Hardin county, shall be evidence in all courts in this state, in the same manner that copies of deeds and other title papers, regularly recorded in said recorder's office, are evidence, and with the like effect. Copies of record valid.

§ 5. The county court of said county shall pay, for such transcribing, such amount as may be agreed on between them and the person so appointed, not exceeding twelve cents for each one hundred words. Pay of copyist.

§ 6. If said county court shall deem it advisable, they may order the aforesaid record to be transcribed in the books provided for in an act entitled "An act to authorize certain records to be transcribed," approved February 21, 1861: *Provided*, that the records contained in said books "A" and "B" shall not be consolidated into one book, nor shall the records in either one of said books be copied into different books; and whereas the act entitled "An act to authorize certain records to be transcribed," approved February 21, 1861, has not as yet been complied with: therefore, Proviso.

§ 7. *Be it further enacted*, That said act be so amended as to authorize the said county court to pay for the services therein required of the transcribing commissioner, any

amount to be agreed on, not exceeding twelve cents per one hundred words.

§ 8. This act to take effect on its passage.

APPROVED February 16, 1865.

in force Feb. 15, 1865. AN ACT authorizing the county court of Jackson county to transcribe certain records therein named.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the county court of Jackson county is hereby authorized to cause the transcribing of the following records, to wit:

1st. The record of tax sales and judgments for taxes prior to the year one thousand eight hundred and fifty-eight.

2nd. The records of marriage licenses, and marriage register, previous to the year one thousand eight hundred and sixty; also, to cause the recording of all marriage certificates which have not been recorded.

3rd. The records of titles to all lands lying in said county, the titles of which are recorded in Randolph county.

4th. The first and second records of wills, and of letters of administration and of guardianship, of said Jackson county; also, to cause full and complete indices to be made to all the foregoing and such other records of said county as are now without sufficient indices—said indexing to be done under the supervision of the clerk of the proper court.

§ 2. The county court shall appoint a fit and competent person or persons to perform the duties aforesaid; such person or persons to take an oath to faithfully perform the duties required by this act; and at the end of each transcript of any of the records aforesaid, such person transcribing shall attach a certificate to the effect that the same is correctly transcribed, stating the book or books in which the matters therein transcribed were originally recorded.

§ 3. The county court of said Jackson county shall pay for such transcribing, recording and indexing, such amount as may be thought reasonable, not to exceed twelve cents per one hundred words for such transcribing and recording, and not exceeding two cents per line for such indexing.

§ 4. All such transcripts, records and indices, when so made and certified, shall be taken and deemed to be records of said Jackson county, and shall be received in evidence in all courts in this state, the same as original records; and certified copies of such records and transcripts shall have the same force and effect as certified copies of other records of said county.

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

APPROVED February 15, 1865.

AN ACT requiring an index to circuit court records of McDonough county to be kept, and authorizing the clerk of said court to keep abstracts of lands in said county. In force Feb. 16, 1865.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That it shall be the duty of the clerk of the circuit court of McDonough county to provide a well-bound book, to be denominated "Index to Circuit Court Records of McDonough County," in which he shall index all the cases which have been determined in said court within seven years next preceding the passage of this act, and all cases now pending or which shall hereafter be commenced. Said book shall be ruled in spaces appropriately headed, and shall be a complete index to the judgment docket, execution docket, fee book, certificate of purchase, certificate of redemption, certificate of levy, and, by reference to the record and page, shall show the term when each case was commenced, the date of judgment, and when the same was disposed of; and said clerk shall receive for his services the same fee which is or may be provided by the general law of the state for indexing cases, except as to cases disposed of within seven years next preceding the passage of this act, the indexing of which shall be paid by the board of supervisors of said McDonough county, at a rate of seven cents for each case so indexed; and said board are hereby authorized, empowered and required to make appropriations for that purpose.

Index to circuit court records.

Fee of clerk.

§ 2. *And be it further enacted,* That said clerk, and his successors in office, shall keep a well-bound book for each town and township in said McDonough county, to be denominated "Sectional Indices," in which he shall hereafter keep, under appropriate headings of sections and subdivisions of sections, complete abstracts of titles to real estate in said county, and note the date of each deed, the date of record, the name of the grantor and grantee, the kind of instrument of conveyance, and the book and page where the same is recorded; for which he shall receive, for his services, an additional fee of ten cents for each tract of land or town lot so posted, to be paid for by persons filing instruments of conveyance for record, except as to instruments filed previous to the passage of this act, the posting of which in said books shall be paid for by the board of supervisors of said county, at the rate of five cents for each tract of land posted; and the said board are hereby authorized, empowered and required to make appropriations for that purpose.

Sectional index to lands.

Abstract of titles

Clerk's fee.

§ 3. *And be it further enacted,* That the books mentioned in sections one and two, above, shall be provided in the same manner as other record books now are, and shall be public records of said county from and after the passage of this act.

Books, how provided.



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

APPROVED February 16, 1865.

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In force Feb. 15, 1865. AN ACT to amend an act entitled "An act to authorize the indices to records of conveyances in Monroe county to be transcribed and perfected."

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That section second of "An act to authorize the indices of records of conveyances in Monroe county to be transcribed and perfected," approved February 21, 1861, be hereby amended by inserting the word "fifteen" in the blank space between the words "of" and "cents," in the first line of said section.

Sec. 2 amended.

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

APPROVED February 15, 1865.

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In force Feb. 16, 1865.

AN ACT relating to the recorder's office of Peoria county.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That, to enable the board of supervisors of Peoria county to pay out of the treasury of said county, for the labor and expense necessary to keep up and maintain the system of indexing and abstracting of deeds, mortgages, and other instruments of writing appertaining to lands and town lots in said county, introduced into the recorder's office of said county by the authority of the said board of supervisors, it shall be lawful, and the said board of supervisors are hereby required, to pay out of the treasury of said county a reasonable compensation to the recorder who has kept up, or may hereafter keep up, said system of indices and abstracts, since the same were introduced as aforesaid in said recorder's office.

Recorder to be paid for indexing records.

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

APPROVED Feb. 16, 1865.

AN ACT to provide for the abstracting the records of tax sales in the county of Peoria. In force Feb. 13, 1865.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the clerk of the county court of Peoria county is hereby authorized to abstract and index the records of tax sales in his office, in the same manner as the abstracts of the records of real estate are now made in the office of the clerk of the circuit court of said county. Abstract and index of tax sales

§ 2. Said abstracts shall be made by the said clerk, and entered in well-bound books, to be provided for and paid for by the board of supervisors of said county of Peoria. Clerk to be paid for abstract.

§ 3. Said clerk of the county court shall be allowed a reasonable compensation for preparing said abstracts, to be paid and allowed by the board of supervisors of said county, not exceeding ten cents for each tract so entered on said abstract, to be paid from time to time, as the work progresses, by the board of supervisors of said county of Peoria. Fee of clerk.

§ 4. After the said abstracts are completed, the clerk of the county court of said county of Peoria shall hereafter keep up said abstracts, in like manner as prepared, and shall be allowed, by the board of supervisors of said county, a reasonable compensation for so doing, not exceeding five cents for each tract so entered. Abstract to be kept up.

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

APPROVED February 13, 1865.

AN ACT to transcribe certain records in the county of St. Clair.

In force Feb. 16, 1865.

WHEREAS books A, B, C, D, E and F, of records of deeds, mortgages, and other instruments of writing admitted of record, a large portion of which said records are written in the French language, and which date from the year 1790, have become much injured by time and use, and the contents whereof have become nearly obliterated and indistinct; and whereas a certain other book of record, being fee book H, has also become insufficient to be used; and whereas certain indices to the dockets of judgment D and E are lost, and the index of deeds, from the year 1790 up to the year 1854, is incomplete, and is liable to destruction by reason of the insufficiency of the book, and frequent use; all of which books of record are in and belong to the office of the clerk of the circuit court of St. Clair county; therefore, Preamble.

Books opened.

SECTION 1. *Be it enacted*, That, for the preservation of the records in St. Clair county, the clerk of the circuit court of said county is hereby authorized and required to transcribe the contents of books A, B, C, D, E and F, of the records of deeds; also, of fee book II, and of the index of deeds recorded from 1790 to 1854, and also prepare indices for judgment dockets, books D and E.

Blank books.

§ 2. That it shall be the duty of the county court of St. Clair county to provide a sufficient number of blank books, substantially bound, and suitable for recording deeds.

Copies valid.

§ 3. When said records shall have been transcribed, as aforesaid, the same shall become and constitute a portion of the records of said county, and shall be as valid in law as if originally recorded in the same; and copies thereof, certified, shall be evidence of the facts therein contained, as if certified from the originals, in all respects whatever.

Pay of clerk of circuit court.

§ 4. Upon the completion of the said transcripts, respectively, by the said clerk of the circuit court of St. Clair county, the county court of said county of St. Clair shall pay to the said clerk, by way of compensation for his services, at the rate of fifteen cents for every one hundred words contained in said transcripts, and for preparing the same.

§ 5. This act to take effect from and after its passage.

APPROVED February 16, 1865.

In force Feb. 14, 1865. AN ACT to provide for transcribing the public records of Winnebago county.

Records may be copied.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That whenever, in the opinion of the board of supervisors of Winnebago county, it shall become necessary, for the preservation of any of the public records of said county, to have the same copied or transcribed, it shall be lawful for the said board of supervisors to contract with any suitable person to copy or transcribe any such records, in such manner, and for such price, as may be agreed upon, to be paid for out of the county treasury.

Pay of clerk.

§ 2. It shall be the duty of the clerk having the custody of any record or records copied or transcribed under the provisions of this act, to carefully compare the copy with the original record, and correct all errors, and, when correct, to attach to said copy a certificate, under his seal of office, setting forth that the same is a true copy of the original record; and when so examined and certified, the said copy

shall be received in evidence, and have the same force and effect in law as the original record would have had.

§ 3. The said clerk shall be entitled to a reasonable compensation for his services in comparing and correcting any copy of any record under the provisions of this act, to be audited by the board of supervisors, and paid out of the county treasury. This act shall be declared a public act, and be in force from and after its passage.

APPROVED February 14, 1865.

AN ACT to authorize the Supervisors of Grundy county to establish a Re- In force Feb. 16,  
form School. 1865.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the supervisors of Grundy county may, and they are hereby authorized, in their discretion, to establish upon the poor house farm in said county, a reform school, for the discipline, reformation and education of such children, under the age of sixteen years, as may be found growing up in idleness and mischief, and who shall be without suitable parents or guardians to provide for their proper care and instruction; and for this purpose they are authorized to raise by tax and appropriate a sum not exceeding ten thousand dollars. Reform school.

§ 2. Said reform school shall be under the direction of a superintendent and such assistants as he may deem necessary. Direction school. of

§ 3. It shall be the duty of the poor house master in each town in said county, to take any child or children of the character described in the first section hereof, who may be found in his town, before the county judge, or any justice of the peace, or police magistrate of said county, whose duty it shall be to inquire into the facts of the case, and if such child or children shall be found to be vagrants and without parents or guardians, to send such child or children to said reform school. Poor children.

§ 4. Courts of record, justices of the peace, and police magistrates, may in their discretion, whenever a boy or girl under the age of sixteen years shall be convicted before them of any misdemeanor, sentence such boy or girl to the reform school of said county, for any length of time, not to extend beyond the age of sixteen years of such delinquent. Children when sent to reform school.

§ 5. The said supervisors shall, from time to time, make all needful rules and regulations for the government of said school, and for the improvement and instruction of the inmates, and for their safe keeping therein. Rules of school.



Fees of officers.

§ 6. The county judge, justice of the peace, or police magistrate, before whom any child or children shall be brought as provided for in the third section of this act, shall receive from the county such fees for their services in each case, as the supervisors of said county shall fix and determine.

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

APPROVED February 16, 1865.

In force Feb. 16,  
1865.

AN ACT for the relief of Charles Atkinson.

Preamble.

WHEREAS it appears from a certified copy of the records of the board of supervisors of Henry county, in the state of Illinois, that said board of supervisors, at the February term, 1860, passed an order for the refunding of one-half of the county taxes paid by Charles Atkinson on certain real estate situated in said county, for the years 1857 and 1858, because the same was over assessed and over paid for said years; and whereas, it further appears in said order that said Atkinson paid on said assessment in taxes to the state, two hundred and twelve dollars and eighty-four cents; and whereas, but for the erroneous assessment of the same, he ought to have paid only one hundred and six dollars and forty-two cents: therefore,

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the sum of one hundred and six dollars and forty-two cents, be and the same is hereby appropriated to be paid out of any moneys in the treasury, not otherwise appropriated, to be paid to the said Charles Atkinson, the same being the amount of taxes overpaid as aforesaid, and interest thereon; and the auditor is hereby directed to draw his warrant upon the treasurer for said sum and in favor of the said Atkinson.

Refunding tax.

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

APPROVED February 16, 1865.

AN ACT for the relief of the heirs of Jacob J. Barnsback, deceased.

In force Feb. 16,  
1865.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That Thomas Judy, of Madison county, as guardian of Thomas P. Barnsback, Jacob H. Barnsback, Marian E. Barnsback and Ann Maria Barnsback, minor heirs of Jacob J. Barnsback, deceased, is authorized and empowered to invest the moneys in his hands or control, as such guardian, in real estate; the deeds to the same to be made to said minors; and all purchases of real estate so made by him, the purchase of which shall be approved by the county judge of said county and entered of record, shall be valid.

Funds may be  
invested in real  
estate.

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

APPROVED February 16, 1865.

AN ACT to declare Alvina Blackman heir-at-law of Jemima Dawson, late of Clark county, deceased.

In force Feb. 15,  
1865.

WHEREAS Jemima Dawson, late of Clark county, deceased, Preamble.

some five years prior to her decease, being aged and infirm and having no family of her own, received Alvina Blackman, a penniless orphan, for the purpose of rearing and adopting her as her child and heir at law; and, whereas, the said Alvina, from the time of her being so received by the said Jemima Dawson, was the sole companion and servant of the said Jemima until her death; and whereas, during said time, the said Alvina labored with all the affection and devotion of a natural child to minister to the comfort and happiness of the said Jemima; and whereas, the said Jemima, on the 4th day of July, A. D. 1864, without having made any will, suddenly died, leaving no known heirs at law; and whereas, the said Jemima at the time of her death was seized and possessed of real and personal estate of the probable value of eight hundred dollars: now, therefore,

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That unless an heir or heirs at law of the said Jemima Dawson, late of Clark county, deceased, shall, within two years from the grant of letters of administration on the estate of the said Jemima Dawson, deceased, be found, the said Alvina Blackman be and she is hereby declared to be the heir at law of the said Jemima Dawson, late of Clark county, deceased, in as full and complete a manner as if she had been and was the natural born and only child of the said Jemima Daw-

If heirs do not  
appear in three  
years.

Declared heirs.

son, deceased: and the said Alvina, shall thenceforth and forever be absolutely seized and possessed of all the property, both real and personal, whereof the said Jemima Dawson died seized and possessed, and may sell, convey and otherwise dispose of the same, as effectually as if she had acquired the same by descent or purchase.

Assets delivered  
to declared heir

§ 2. The administrator of the estate of the said Jemima Dawson, deceased, after the expiration of two years from the date of his letters of administration, if no legal heir or heirs of said Jemima Dawson, deceased, shall be found, shall pay over and deliver to the said Alvina Blackman, all moneys, effects and title papers in his hands, belonging to the estate of the said Jemima Dawson, deceased, which shall remain after the payment of the debts against said estate, and the usual and legal costs and charge of administration.

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

APPROVED February 15, 1865.

In force Feb. 18,  
1865.

AN ACT for the payment of Allen C. Fuller, late Adjutant General of the State of Illinois.

Per diem allow-  
ed.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That Allen C. Fuller, shall receive out of the state treasury, the same per diem from February 14, A. D. 1863, to January 1, A. D. 1865, that was allowed to the adjutant general, by act approved May 2, A. D. 1861.

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

APPROVED February 13, 1865.

In force Feb. 10,  
1865.

AN ACT for the relief of the German Evangelical Lutheran School at Addison.

Preamble.

WHEREAS the German Evangelical Lutheran School, at Addison, in the county of DuPage, has heretofore been incorporated in accordance with the provisions of "An act to incorporate institutions of learning," approved January 26, 1849; and whereas, the trustees of said school have neglected to file in the office of the secretary of state, and in the recorder's office of DuPage county, an annual statement exhibiting its condition and operation, as contemplated by the provisions of said act; therefore,

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the neglect of the trustees of the said German Evangelical Lutheran School, at Addison, to file in the office of the secretary of state, and in the recorder's office of DuPage county, an annual statement of the condition and operation of said school, as contemplated by the act under which said school was incorporated, shall not deprive said school of any rights and privileges to said school secured by its incorporation: *Provided,* that hereafter said trustees shall faithfully comply with the provisions of said act.

Neglect shall not  
take away rights

§ 2. This act shall take effect from and after its passage.  
APPROVED February 10, 1865.

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AN ACT for the relief of Susan Keedy.

In force Feb. 16,  
1865.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the auditor of public accounts be and is hereby authorized and empowered to draw his warrant on the treasurer in favor of Susan Keedy, for the sum of two hundred dollars, the same being in full for the amount due her for a barn removed by said state, from near the arsenal in the city of Springfield in said state; said money to be paid out of any money in the treasury not otherwise appropriated by law.

\$200 for barn.

§ 2. This act to take effect from and after its passage.  
APPROVED February 16, 1865.

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AN ACT for the relief of Benjamin King, of Greene county.

In force Feb. 16,  
1865.

WHEREAS Benjamin King, treasurer of schools of township No. eleven north, range No. ten west of the third principal meridian, in Greene county, was, on the evening of the ninth day of September, A. D. 1864, by three armed men, robbed of the sum of five hundred and fifty-four dollars, school funds, as follows, to-wit: principal of township fund, four hundred and fourteen dollars; and of special tax fund, belonging to districts No. 1, 2, 5 and 6, one hundred and forty dollars; and whereas, a large majority of the tax-payers of said township have petitioned for the release of said King from the payment of said sum of money; now, therefore,

Preamble.



Treasurer re-  
leased from pay-  
ment of funds.

Discharge.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That said Benjamin King, be and he is hereby released and discharged from the payment of the said sum of money or any part thereof.

§ 2. The trustees of said township are hereby authorized, directed and empowered, to enter upon their records, a full discharge of said King from the payment of said sum of money or any part thereof.

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

APPROVED February 16, 1865.

In force Feb. 13,  
1865.

AN ACT for the relief of Thomas J. Larrison and others.

Preamble.

WHEREAS at the April term, 1861, of the Sangamon county circuit court, a judgment was obtained by the auditor of public accounts against Thomas J. Larrison, collector of Logan county for the year 1859, and Abel Larrison, Joseph C. Webster, Robert B. Latham, Samuel C. Parks, Samuel Beven, Harvey Turner and James B. Larrison, his sureties, for the sum of nineteen hundred and ninety-five dollars and fifty-four cents, and costs, upon which execution was issued and levied upon certain lands in McLean county, Illinois, the property of the said parties, and which lands were purchased by the state at the sale thereof for the sum of twelve hundred and eighty dollars, therefore,

Sale of funds  
when canceled.

*Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That upon payment into the treasury by said parties, of the aforesaid sum of nineteen hundred and ninety-five dollars and fifty-four cents, and the costs of said suit, within six months from the passage of this act, the auditor shall cancel and release the sale of lands aforesaid, and the parties shall be discharged of all other liabilities accrued in consequence of said judgment.

This act to take effect from and after its passage.

APPROVED February 13, 1865.

In force Feb. 16,  
1865.

AN ACT for the relief of William S. Maus and others.

Preamble.

WHEREAS at the April term, 1862, of the Sangamon county circuit court, a judgment was obtained against William S. Maus, collector of Tazewell county for the year 1860

and James Haines, Benjamin S. Prettyman, Teis Smith, Thomas N. Gill, and Thomas C. Reeves, his sureties, for the sum of twenty-eight thousand six hundred and twenty-five dollars and eighty-two cents, and costs, upon which execution was issued and levied upon certain lands in Tazewell and Mason counties, the property of said parties, and which lands were purchased by the state at the sale thereof, and whereas a large amount of said lands have been subsequently sold and conveyed by the state, and the money received therefor placed to the credit of said judgment, leaving a portion of said lands still in possession of the state unredeemed and unsold, therefore,

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That upon payment into the treasury of the remaining portion of said judgment and costs, by said parties, within six months from the passage of this act, the auditor shall cancel the sales of that portion of said lands remaining unredeemed as aforesaid, and the parties shall be discharged from all other liabilities accrued in consequence of said judgment: *Provided,* Sales of lands canceled. that nothing herein contained shall be construed to affect in any way the sales of [lands] made by the state as aforesaid. Proviso.

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

APPROVED February 16, 1865.

AN ACT for the relief of H. F. McCloskey.

In force Feb. 16, 1865.

WHEREAS H. F. McCloskey, a citizen of the state of Illinois, is the accredited owner of certain refunded stock coupon bonds, on which interest is due and payable in New York, on the first Mondays of January and July in each year, and whereas the coupons due and payable on the first Monday of January A. D. 1865, have been lost and destroyed, therefore, Preamble.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That H. F. McCloskey, on his furnishing the treasurer of the state of Illinois with satisfactory proof of ownership of refunded stock bonds numbered respectively 335, 336, 337, 339 and 340, and dated July 1, 1859, with coupon interest at the rate of six per cent., payable semi-annually in the city of New York, which bonds are for one thousand dollars each and payable at the option of the state, after the year 1877, and also on the said H. F. McCloskey making affidavit of the loss of coupons payable on the first Monday of January A. D. 1865, and also on the said H. F. McCloskey filing a suitable Proof of ownership of bonds. Bond of indemnity.

Amount due to  
be paid.

bond of indemnity with the secretary of state or other public officer authorized to possess said indemnity bond for any moneys paid by virtue of this act for said lost coupons, then and in that case the treasurer is hereby authorized to pay to H. F. McCloskey or his duly authorized attorney, the amounts due on said coupons so lost and destroyed.

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

APPROVED February 16, 1865.

In force Feb. 16,  
1865.

# AN ACT for the relief of George McHenry.

Preamble.

WHEREAS one George McHenry, of the township of Phoenix, in the county of Henry and state of Illinois, did, in the spring of 1861 or thereabouts, cut a ditch in the said town of Phoenix, without any legal authority or right, across the public highway leading from Rock Island in said state, through said Phoenix township, to the mouth of the Pecatonica river, for the purpose of draining an extensive bayou situated east of said road, across said road into the Rock river; and whereas by reason of said ditch being so cut, a deep excavation was made across said road by reason of water running therein, thereby requiring a bridge across said excavation in the said public road, which can only be erected at the cost of several hundred dollars, therefore,

Liability  
charged.

dis-

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the said George McHenry be and is hereby forever discharged and absolved from all legal liabilities incurred by reason of cutting said ditch across said highway.

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

APPROVED February 16, 1865.

In force Feb. 13,  
1865.

# AN ACT for the relief of Ira Minard and Sarah his wife.

Preamble.

WHEREAS Sarah Minard, (wife of the said Ira Minard,) of the county of Kane and State of Illinois, has been for the last five years and is now hopelessly insane, and has been for about five years last past and is now confined in the insane asylum at Jacksonville, Illinois, and there being no prospect of her reason ever being restored; now, therefore,

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the circuit judge of the twenty-eighth judicial circuit of the state of Illinois and his successor or successors in office, be and are hereby authorized to appoint a conservator for the said Sarah Minard. Conservator.

§ 2. *And be it further enacted,* that said conservator, when so appointed and qualified according to the provisions of this act, shall have full power and authority, and is hereby authorized to execute all deeds or other instruments for the conveyance of real estate in connection with the said Ira Minard, which said deeds or other instruments, when duly executed and acknowledged by said conservator, shall be a complete and perpetual bar to all claim or right of dower of the said Sarah Minard in and to the lands and tenements thereby conveyed, in the same manner and with like effect as though she had been sane and executed said deeds or other instruments, and the same had been properly acknowledged by her: *Provided,* said conservator shall not be authorized to sign or execute any deed or other instrument for the conveyance or incumbrance of any of the following described real estate, to wit: lots Nos. one (1), two, (2), three (3), four (4), six (6), seven (7) and eight (8), in block number four (4), or the original town of St. Charles, on the east side of Fox river, in the county of Kane and state of Illinois, being the same lots on which the dwelling house, barns, brick office and banking building of the said Ira Minard are situated. *And be it further enacted,* that before said conservator shall enter upon the discharge of any duties conferred upon him by this act, he shall take and subscribe the following oath, to wit: I, —, do solemnly swear, (or affirm, as the case may be,) that I will truly and faithfully discharge the duties of conservator for Sarah Minard to the best of my ability, and that I will not in any case execute any deed of conveyance of any real estate in which the said Sarah Minard has an interest, without being fully satisfied that it is for the interest of the said Sarah Minard and her family. Signed, —;” which said oath or affirmation shall be entered in full upon the records of the Kane county circuit court. Execute deeds.

Proviso.  
Lands not to be deeded.

Oath of conservator.

§ 3. *And be it further enacted,* that the manner of executing deeds of conveyance of real estate shall be as follows: “Sarah Minard, by —, conservator;” which said deeds shall be acknowledged as follows: Form of deed.

STATE OF ILLINOIS, }  
COUNTY OF KANE. } ss.

I, —, in and for said county and state aforesaid, do hereby certify that Ira Minard and —, who are personally known to me as the real persons whose names are subscribed to the above deed, appeared before me this day in person and acknowledged that they executed and delivered the said deed as their free and voluntary act, for the uses and purposes therein set forth. And the said —, conservator of Sarah Minard, wife of said Ira Minard, having been by me examined and the contents and meaning of said



deed having been by me explained and fully made known to him, acknowledged that he had as conservator freely executed the same and relinquished the dower of the said Sarah Minard, in and to the lands and tenements therein mentioned. Given under my hand and—seal, — day of —, in the year of our Lord one thousand eight hundred and —.

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

APPROVED February 13, 1865.

In force April 18,  
1865.

# AN ACT for the relief of Jephtha C. Noe.

Preamble.

WHEREAS Jephtha C. Noe did, on or about the twenty-sixth day of March, A. D. 1861, bargain and sell unto Hiram Leonard the southwest quarter of the southwest of section sixteen, township forty north, range one east, of the third P. M.; and did also, on the eighteenth day of March, A. D. 1862, bargain and sell to Mary A. Sutphen the east half of the southeast quarter of section seventeen; also lot five, of section sixteen, both of the same town and range, and all situate in the county of Ogle and state of Illinois, and agreed to convey the same unto the said vendees by good and sufficient conveyance in the law, with the release of dower; and whereas Lucinda Noe, the lawful wife of the said Jephtha C. Noe, has become of unsound mind and memory, and is utterly incapable to execute a release of dower of said premises; therefore,

Special commissioner to release dower.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That Frederic G. Petrie, of said Ogle county, be and is hereby appointed a special commissioner to release and convey unto the said grantees, the right of dower and any and all interest the said Lucinda Noe has or had in and to the aforesaid premises, and that the said conveyance be executed in the name of the said Lucinda Noe by said commissioner, and be acknowledged by him, and that when so executed and acknowledged, the same shall be as operative and effective to release the dower and other interests of said Lucinda, as if made by the said Lucinda when made in sound mind and memory: *Provided, always,* that if said Lucinda Noe shall recover and become and remain of sound mind, and should survive her said husband and be entitled to dower in her husband's lands the right is hereby reserved to her to show that, notwithstanding this act, she is entitled to dower in the lands herein above mentioned.

Proviso.

Rights of dower reserved.

APPROVED February 16, 1865.

AN ACT for the relief of the securities of Julius A. Pratt, late collector and treasurer of the county of Henry. In force Feb. 16, 1865.

WHEREAS said Julius A. Pratt was collector and treasurer for said county of Henry, for the year A. D. 1859, and failed to pay the amount of the state taxes into the state treasury, collected by him for said year; and whereas, said Julius A. Pratt died in the service of his country in the siege of Vicksburg; and whereas the official bonds of said Pratt, as such treasurer and collector, are informal and insufficient in law, and the penalty thereof doubtful of enforcement; therefore,

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That upon the payment by said securities or the legal representatives of said Pratt, of five thousand dollars within six months, and five thousand dollars additional within two years from the passage of this act, the account of said Pratt, as such treasurer and collector for said year, (A. D. 1859,) and all liens against him or said securities, shall be deemed to be fully paid and discharged, and the said securities entirely released and discharged from all liability on said bonds. Preamble.  
Securities re-leased.

§ 2. That for the purpose of enabling said securities to realize any part of said sums herein required to be paid, they shall be permitted to enforce or pursue any remedies the state of Illinois might otherwise do to collect the sums herein required to be paid. Rights of securities.

§ 3. That the said sums herein required to be paid shall be paid into the state treasury in the funds receivable for taxes, and the state shall not be required to take lands on the same. Funds, how paid

§ 4. *Be it further enacted,* that within sixty days from the passage of this act, the said securities, or a majority of them, including John Lyle, shall file with the auditor of public accounts their written approval of the terms of this act; and in default of filing such approval, as above provided, then this act shall be deemed and taken to be void, and no abatement of any suit or other proceedings shall be deemed to arise from the passage of this act. Approval of terms.

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

APPROVED February 16, 1865.

AN ACT for the relief of Joseph Reynolds.

In force Feb. 16, 1865.

WHEREAS by an act of the general assembly, entitled "An act for the relief of Joseph Reynolds, of Gallatin county," approved March 3d, 1845, the commissioner for the sale of the Gallatin county saline lands was authorized and re-

Preamble.

quired to issue to Joseph Reynolds, his heirs or assigns, a certificate or certificates of entry for such lands as he or they might select, of the unsold lands authorized to be sold by said commissioner, not exceeding three hundred dollars' worth, at the state price: *Provided*, that in case there should be no salinelands, or not a sufficient quantity subject to entry to satisfy said sum, the said Reynolds, his heirs or assigns, shall be entitled to receive internal improvement scrip, in part or whole, as he or they may choose; and, whereas, the said saline lands had all been appropriated and sold, so that said Reynolds could not obtain any certificate from said commissioner, and said Reynolds having failed to receive any internal improvement scrip, so that the said sum of three hundred dollars remains unpaid; therefore,

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That the auditor of public accounts be and he is hereby authorized and required to issue his warrant on the treasurer in favor of the said Joseph Reynolds, for the sum of three hundred dollars, in full payment of the appropriation referred to in the preamble to this act, payable out of any money in the treasury not otherwise appropriated. This act shall take effect on its passage.

APPROVED February 16, 1865.

State to pay  
amount.

In force April 18,  
1865.

#### AN ACT for the relief of William Ross.

Preamble.

WHEREAS William Ross, of Pike county, Illinois, had stolen from his person, on the 5th day of September, A. D. 1864, at the depot of the Great Western railroad, in the city of Springfield, Illinois, the following described coupons of thirty dollars each, being for interest due on the first day of July, A. D. 1864, on eight refunded stock bonds of the state of Illinois, of one thousand dollars each, and numbered respectively 180, 186, 235, 75, 74, 76, 187, and 96, which said coupons amount in the aggregate to the sum of two hundred and forty dollars; and, whereas, said Ross immediately caused publication of such loss to be made in the city papers of Springfield, and duly notified the treasurer of said state thereof, and having left with said treasurer a full description of said bonds and coupons, with the numbers thereof; now, 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 be and he is hereby authorized and required to pay to said William Ross, his heirs,

State to pay  
amount.

executors, or administrators, the amount due on said coupons, out of the fund for the payment of the interest on said bonds, taking his receipt therefor, which said receipts shall be the vouchers of said treasurer of the payment thereof as fully as such coupons would be: *Provided*, said Ross shall first file with said treasurer an affidavit of such loss, and that after due inquiry made, the same, or any of said coupons, have not been reclaimed; and shall also file with said treasurer a bond, in a sufficient penalty conditioned, to indemnify said state of Illinois against loss by reason of any wrong or misrepresentation on his part. Proviso.

APPROVED February 16, 1865.

AN ACT to make a certain appropriation to Mrs. Roxanna Scott.

In force Feb. 16,  
1865.

WHEREAS Col. Joseph R. Scott did, on the 17th day of April, A. D. 1861, under orders from his excellency the governor, and by virtue of his proclamation, enter the service of the state of Illinois, and render great and valuable service; and, whereas, he acted at that time in the capacity of major; and whereas, furthermore, he has not received any pay from the seventeenth of April, 1861, to the fourth day of May, 1861; therefore, Preamble.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That the sum of one hundred and one dollars and twenty-seven cents is hereby appropriated out of any money not otherwise appropriated, in the treasury of the state of Illinois; and the auditor of public accounts is hereby directed to draw a warrant on the treasury in favor of Mrs. Roxanna Scott, of Chicago, widow of the late Colonel Joseph R. Scott, for the sum of one hundred and one dollars and twenty-seven cents, for services in defense of the state of Illinois. State to pay  
amount.

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

APPROVED February 16, 1865.

AN ACT for the relief of Mrs. Frances D. Shugart, the wife of John Shugart, jr. In force Feb. 16,  
1865.

WHEREAS Frances D. Shugart, then Frances D. Edwards, by her deed, bearing date February 4, A. D. 1853, and duly recorded in Bureau county, in book M of deeds, did, in Preamble.



contemplation of a marriage to be had with John Shugart, jr., convey in fee simple to Timothy Edwards and Charles L. Kelsey, of said county, and to the survivor of them, certain real estate, and also certain personal property, and choses in action therein described in trust for the use and benefit of the said Frances during the continuance of such marriage, and upon certain other trusts therein contained, the same to be free from any control of her intended husband, or liability for his debts; and whereas, the said Timothy Edwards having deceased, the title to said property or its avails has vested in the surviving trustee, subject to the conditions aforesaid; and whereas the state of Illinois has since provided that married women may hold and enjoy their own property free from any such liability, which renders the further continuance of said trust needless, and it is the desire of the surviving parties to said deed that the same shall be canceled; therefore,

Trustee to deed  
back all estate.

First deed void.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the said Charles L. Kelsey, as such surviving trustee, and at the written request of the said Frances D. Shugart, shall have full power to transfer and convey all of said trust estate, by him held, to the said Frances D. Shugart, for her own use, in the same manner as is in said trust deed provided in case of the death of the said husband, the said Frances D. Shugart surviving; and thereupon the said trust deed shall be inoperative and void, and the property and rights so conveyed shall be and remain hers, sole and separate, notwithstanding her marriage, and shall not be subject to the disposal of her husband or liable for his debts; and the said Frances D. Shugart shall have full power to sue for, collect, enforce, receive, hold, enjoy, contract, sell, convey, or bequeath the same as if she were sole.

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

APPROVED February 16, 1865.

in force Feb. 16,  
1865.

AN ACT for the relief of certain persons therein named.

Preamble.

WHEREAS a judgment in favor of the state of Illinois was, at the January term, A. D. 1862, of the supreme court of said state, in the second grand division thereof, at Springfield, recovered against Henry F. Vallette, late collector of the county of DuPage, and the securities on his official bond as such collector, for the sum of five thousand four hundred and ninety-four dollars and forty-eight cents, (being a balance due from said collector,) and costs of

suit; and whereas the default of said collector was occasioned by no fault or neglect on his part, but by reason of the failure of persons with whom said collector had deposited the revenue for security, neither the said county nor the said collector being provided with a vault or safe where the revenue could be kept; therefore,

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That if the said Henry F. Vallette shall pay or cause to be paid into the treasury of this state, in treasury notes of the United States, one thousand dollars on or before the first day of July, A. A. 1865, and one thousand dollars on or before the first day of December, A. D. 1865, and shall pay all costs which have accrued in said suit, that then upon such payments being made as aforesaid, the auditor of this state shall be authorized and he is hereby required to enter satisfaction of said judgment.

If money be paid  
judgment shall  
be satisfied.

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

APPROVED February 16, 1865.

AN ACT for the relief of Jeremiah M. Wardwell.

In force Feb. 15,  
1865.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the auditor shall draw his warrant upon the treasurer in favor of Jeremiah M. Wardwell for the sum of fourteen thousand one hundred and thirty-three dollars, the same being the balance due him in full for four thousand Enfield rifles and implements therefor, purchased of him by the state of Illinois for the use of Illinois troops, to be paid by the treasurer out of any moneys not otherwise appropriated by law.

Pay for rifles

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

APPROVED February 15, 1865.

AN ACT in relation to the real estate of George Washington, (a colored man) deceased.

In force Feb. 16,  
1865.

WHEREAS it is represented to this general assembly that George Washington, (a colored man,) on or about the 18th day of April, A. D. 1864, died in the county of Jersey, and state of Illinois, seized and possessed of real and personal property in this state, and that he made a nuncupative will, providing that all of his property, real and

Preamble.

personal, which might remain after payment of his debts and funeral expenses, should be sold and converted into money, and that the sum of fifteen hundred dollars of the same should be applied to the erection of a monument to the memory of his former master, Dr. Silas Hamilton, deceased, and the residue should be applied to the education of colored persons; and whereas it is further represented to this general assembly that the said nuncupative will has been duly proved in the county court of said county of Jersey, and letters of administration with the will annexed, have been granted by said court unto Joseph O. Hamilton, of the said county, who is desirous to carry out the provisions of the said will; and whereas it is further represented that the said George Washington has left no heirs, and that his real estate is liable to be escheated to the state of Illinois; therefore,

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That Joseph O. Hamilton, administrator of the estate of the said George Washington, deceased, or in case of his death, removal or resignation, his successor be and he is hereby authorized to present a petition to the circuit court of said county of Jersey, praying for an order of said court to sell the real estate of which the said George Washington died seized, and to apply the proceeds of said sale to the objects and purposes specified in the said nuncupative will of said deceased, which said petition shall set forth the said will and the proceedings and grant of letters of administration thereon, and also a full description of the said real estate.

Administrator  
may petition  
for sale of real  
estate.

Order for sale.

§ 2. Upon the hearing of said petition by the said circuit court, if the said nuncupative will shall be fully proven and established to the satisfaction of said court, and the said court shall be further satisfied that the said George Washington has left no heirs, it shall be lawful for said court, and said court is hereby fully authorized and empowered to grant the prayer of said petition, and to make an order for the sale of said real estate by said administrator, and for the application of the proceeds of said sale conformably to the provisions of said nuncupative will, and to make all orders in said cause which may be necessary and proper to vest the title in the purchaser or purchasers upon said sale, and to secure the faithful application of the proceeds to the objects and purposes specified in said will.

Notice of pe-  
tition.

§ 3. Notice of the filing of said petition shall be given for at least sixty days before the filing of the same by publication thereof in some newspaper printed and published in the said county of Jersey, and in case there shall be no newspaper printed and published in said county, then in some newspaper printed and published in the county of Madison.

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

APPROVED February 16, 1865.

AN ACT for the relief of the securities of Jacob P. West, late sheriff of Mason county. In force April 18, 1865.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the securities of Jacob P. West, late sheriff and collector of revenue for the county of Mason, upon the payment to the auditor of public accounts the sum of seven thousand one hundred and eight and twenty-five one hundredths dollars, it being the full amount of revenue collected and not paid over by the said sheriff for the year one thousand eight hundred and fifty-seven, be and are hereby released from all liabilities on account of a judgment obtained against them in the Sangamon circuit court upon the bond of said sheriff and collector for said indebtedness: *Provided*, said payment be made by the said securities, or any of them, by the first day of January, one thousand eight hundred and sixty-six: *And, provided, further*, that nothing herein contained shall be so construed as to release the said sheriff from the said debt, or any part thereof. Securities re-leased. Proviso.

§ 2. All sales of lands heretofore made by virtue of any execution issued upon said judgment upon the payment of the said sum of money to the auditor as aforesaid are hereby set aside and held for nothing, and the auditor is required to give certificates of redemption to the security or securities owning said lands. Sales set aside.

§ 3. That executions on said judgment be stayed until said time of payment as against said securities: *Provided*, execution may issue against said sheriff, and the judgment and execution shall remain a lien upon his property until paid and discharged. Execution to be stayed.

APPROVED February 16, 1865.

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AN ACT for the relief of the sureties of John A. Wilson, late sheriff and collector of Hamilton county, in the state of Illinois. In force Feb. 2, 1865.

WHEREAS the state of Illinois did, on the 12th of January, A. D. 1861, at the January term of the supreme court of the state of Illinois, second grand division, recover a judgment against John A. Wilson, late sheriff and collector of the county of Hamilton, in the state of Illinois; also, against his sureties on his bond as sheriff and collector for the sum of eight thousand four hundred and thirty and twenty-nine one hundredths dollars damages and costs of suit, and the said John A. Wilson, having, since the rendition of said judgment paid on and settled with the auditor of said state the sum of five thousand seven hundred and sixteen and thirty-nine one hundredths dollars, and has also Preamble.

A. D. 1861, at the January term of the supreme court of the state of Illinois, second grand division, recover a judgment against John A. Wilson, late sheriff and collector of the county of Hamilton, in the state of Illinois; also, against his sureties on his bond as sheriff and collector for the sum of eight thousand four hundred and thirty and twenty-nine one hundredths dollars damages and costs of suit, and the said John A. Wilson, having, since the rendition of said judgment paid on and settled with the auditor of said state the sum of five thousand seven hundred and sixteen and thirty-nine one hundredths dollars, and has also



in addition thereto, surrendered up to execution issued upon said judgment, property which has been sold and bid in by the state for the sum of two thousand five hundred and fifty-two and two one hundredths dollars, (the same being only two-thirds of its appraised value, and the real value of said property being more than adequate to satisfy said judgment,) making in the aggregate the sum of eight thousand two hundred and sixty-eight and forty-one hundredths dollars that has been paid on said judgment; and whereas by reason of the depreciation of property, caused by our unhappy political troubles and other causes, the said sureties have become insolvent, and a further attempt to collect the remainder due on said judgment must fall upon two little orphan girls, children of the late Chester Carpenter, who was one of the sureties, thereby depriving them of the pittance left them for their support and education; therefore,

Securities leased.	re-	SECTION 1. <i>Be it enacted by the People of the State of Illinois, represented in the General Assembly,</i> That the property already bid in by the state be and the same is received in full satisfaction of the balance due on said judgment as against said sureties, and the said sureties are hereby released from all further liability on the bond of said John A. Wil-
Deed to auditor.		son, upon the express condition that the surviving widow of the said John A. Wilson execute and deliver to O. H. Miner, auditor of public accounts, for the use of the people of the state of Illinois, a deed, in due form of law, releasing her dower to the lands purchased by said auditor for the use aforesaid, reserving her right of homestead in and to any part of the same, and that the title to said lands purchased by said auditor as aforesaid was in said John A. Wilson:
Homestead right reserved.		<i>Provided,</i> that this act shall not be construed as releasing or affecting in any manner the right to enforce the said judgment against the estate of the said John A. Wilson.
Proviso.		

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

APPROVED February 2, 1865.

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In force Feb. 16, 1865. AN ACT to authorize a re-survey of township 24 north, of range 2 east, in McLean county.

Preamble.

WHEREAS a great number of the owners of real estate in the township of Normal, in the county of McLean, and state of Illinois, which township is known on the plat of the United States surveys as township twenty-four north, range two east of the third principal meridian, have, by petition, represented to this general assembly that so far

as it is known, either no actual survey of anything more than the exterior lines of said township was ever made by the surveyors of the government, or if made, no corners or monuments of any kind, except one on the extreme south of said township now remain, or can be ascertained or identified, or have ever been found by any surveyor of McLean county; that the lands in said township have all been sold, that numerous disputes and law-suits have arisen between individual owners of lands in said township concerning the section and quarter section lines, and that now much uncertainty exists as to those lines and corners, whereby the permanent improvement of the lands is greatly retarded, the location of public roads made uncertain, and great fears are entertained that many and expensive law suits will arise about section lines and corners; and said petitioners have prayed for an act to authorize a survey of said township and a permanent settlement of the section lines and corners of said township; therefore,

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That any number of owners of real estate in said township may file their bill in chancery in the circuit court of McLean county, praying for the appointment of disinterested commissioners to resurvey said township twenty-four north, range two east of the third principal meridian, and to set up and establish permanent corners at each section corner in said township. All persons known to the complainants to be owners of any real estate in said township shall be made parties to said bill, either as complainants or defendants, and all other owners or claimants of real estate in said township may be made defendants thereto by the names of unknown owners or claimants of real estate in township twenty-four north, range two east of the third principal meridian in McLean county; and all persons either made defendants by name, or as unknown owners or claimants, and showing any right or reasonable claim to any real estate in said township, or any interest therein may appear and defend said bill, and be heard on any proceedings therein until the same is finally determined.

Bill in chancery  
for commission-  
ers to resurvey.

Defence.

§ 2. A subpoena or subpoenas in chancery shall be issued on said bill, which before said cause is heard shall be served at least ten days on each defendant to said bill, known to reside in McLean county, and at least sixty days' notice shall be given in a public newspaper published in Bloomington, in McLean county, notifying all defendants not residing in said county, and all unknown owners or claimants of real estate in said township of the filing and objects of said bill, and also that they may appear on the first day of the next term of said court to defend their rights.

Public notice.

Survey of township.

§ 3. After service of process and publication as aforesaid, said court may proceed to hear the allegations of said bill, and of all answers filed thereto, and any evidence which may be submitted by the parties, shall thereupon, unless good cause is shown to the contrary, proceed to appoint three disinterested commissioners, to be selected anywhere within the limits of the state, who shall make or cause to be made, a full and accurate survey of said township, and of all the section and quarter section lines thereon, and to establish each section and quarter section corner thereon, and said commissioners shall cause substantial stone corners, at least two feet in length, to be firmly set in the ground at each section corner as so established.

Establish corners.

Legal rights.

§ 4. The complainants in said bill shall file therewith an attested copy of the plat of the public survey of said township made for the United States, and the court in decreeing and appointing said commissioners and ordering said survey shall make such order in regard to such survey, and to the division of any surplus or deficiency which may be found to exist over or under the amount as stated on said plat as may be consistent with the legal rights of the owner or owners of the several sections.

Plat and record of survey.

§ 5. Said commissioners shall make a full and complete return of their acts to the circuit court of McLean county, together with a copy of the survey made by them, showing the length of each section line as by them established, and the quantity contained in each section, and said court shall make to each commissioner such compensation as the said court may seem just and reasonable.

Resurvey or approval of report

§ 6. After the return of said report, the said court shall enter a rule, fixing a day for all parties who may feel aggrieved by said report to except thereto, and upon the hearing of any exceptions, or if no exceptions be taken on examining said report, said court may either set the same aside and order a re-survey, or may approve said report and order the same to be recorded.

Evidence.

§ 7. If the said court shall approve said report and order the same to be recorded, said report and the section corners, established by said commissioners, shall forever be full and conclusive evidence to establish the corners and boundaries of the several sections and quarter sections in said township, unless the order of approval shall be reversed on appeal, as herein provided for.

Appeals may be taken.

§ 8. Any party to said suit, either by name, or any person sued therein as unknown owner or claimant, and showing that he is owner or has reasonable claim to any real estate in said township, may prosecute an appeal from the final order or decree of said court, in like manner and time as other appeals are taken, or may prosecute a writ of error to the supreme court of this state within twelve months after said final order or decree and not after.

§ 9. The said court shall audit all the expenses attending the prosecution of this suit, and also all expenses which have attended the passage of this act, and shall, when they are audited, direct the clerk to tax them among the taxable costs of the suit; and the clerk of the court, after having taxed the costs and expenses so audited by the court, and also all other expenses which shall have been allowed by the court, is directed to certify the same to the board of supervisors of said county, and said board shall cause a tax or assessment for the amount thereof, and all costs of collection to be levied on all the real estate in said township which shall be collected as other taxes and paid over to the persons entitled thereto.

Lands in township to pay all costs of tax.

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

APPROVED February 16, 1865.

AN ACT to legalize the acts of the commissioners of highways in the town of Cordova and county of Rock Island. In force April 16, 1865.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the acts of the commissioners of highways for the town of Cordova, in the county of Rock Island, in re-surveying, laying out and establishing roads and public highways in said town from April 1, 1862, to January 1, 1865, be and the same are hereby legalized and confirmed; and all roads surveyed, laid out and opened by them are hereby declared public highways.

Acts confirmed.

APPROVED February 16, 1865.

AN ACT to vacate a certain county road therein mentioned.

In force Feb. 16, 1865.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That all that part of a county road in the county of Logan, running through Elkhart City, and sections number thirteen and eighteen, in township eighteen north, range four west, be and the same is hereby vacated.

Road vacated.

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

APPROVED February 16, 1865.



In force Feb. 16,  
1865.

AN ACT to amend the charter of the Lake View Avenue Company.

Preamble.

WHEREAS The Lake View Avenue Company has been organized under and according to the provisions of an act entitled "An act to provide for constructing, maintaining and keeping in repair, plank, gravel or Macadamized roads or pikes," by a general law, approved February 21, 1859, for the purpose of constructing, maintaining and keeping in repair a gravel or Macadamized road in the county of Cook, therefore,

Hold and sell  
real estate.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That said corporation, in addition to its powers under said general law, be and is hereby authorized to take and hold, by purchase, gift, grant or devise, real estate not exceeding, at any one time in value, the sum of one hundred and fifty thousand dollars (\$150,000,) and to sell and convey the same, and to make and establish such by-laws and regulations in regard to the duties of its officers and agents, the use of its road and property, and the investment of its profits and funds, as are not inconsistent with the constitution of the state of Illinois or of the United States.

Rates of toll.

§ 2. The common council of the city of Chicago, may fix and determine, by contract with said company, the rates of toll to be received by said corporation, within the limits of said city; but the rates either within or without the said limits, shall not exceed the following, to-wit: For each horse, one cent and a half per mile; for each vehicle drawn by one horse, the same rate; and for each vehicle drawn by two or more horses, two and a half cents per mile; and the common council of said city may provide, by ordinance, against the charge and receipt of greater rates, within said city, and enforce the same by adequate penalties against said corporation, its officers or agents.

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

APPROVED February 16, 1865.

In force Feb. 16,  
1865.

AN ACT to authorize the legal voters in the Northern tier of sections in township five north, and township six north, in range ten, west of the third principal meridian, in Madison county, to levy a tax for the purpose of Macadamizing certain public roads.

Election district.

[SECTION 1.] *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the district of country in Madison county, and state of Illinois, known and described as the northern tier of sections in fractional township five north, range ten west, north of and

adjoining the city of Alton, and township six north, in range ten west, is hereby constituted into an election district for the effects and purposes hereinafter mentioned.

§ 6. *Be it further enacted*, that for the purpose of grading and Macadamizing the public road from the north end of State street, in the city of Alton, to the line between townships five and six north, range ten west, (distance about one mile.) The legal voters living within said district, are hereby authorized to levy a tax not exceeding one half of one per cent. per annum upon the real estate and personal property within said district. Tax may be levied.

§ 3. *Be it further enacted*, That Benj. F. Long, James Mitchie, A. P. Mason, are appointed judges of said election, who shall give public notice in at least four places, within said district, of the time and place of holding said election, and of the object to be voted on. Before opening the polls the said judges shall appoint two clerks, who shall be legal voters in the district, who shall keep a record of the proceedings of the said election in the same manner as is provided for the election of county officers. The said election shall be by ballot, the voter writing upon his ballot "For the tax" or "Against the tax," as he may prefer. The said judges and clerks shall be sworn; and the said election shall be conducted in the same manner as is provided for the election of county officers. Judges of election.  
Manner of election.

§ 4. If it shall appear, after closing the polls, that a majority of the votes are for the "tax," one of the poll books shall be returned to the clerk of the county court, and the other be retained by the judges of election.

§ 5. *Be it further enacted*, that it shall be the duty of the said judges, if a majority of the votes are in favor of the tax, to give public notice, in manner and form heretofore given, that an election will be held at a time and place specified in the notice, for an election for three commissioners, a collector and treasurer, who shall hold their office for the term of two years, and until their successors shall be elected and qualified. The said collector and treasurer shall give bonds, with security, for the faithful performance of their duties, in such amounts as the said commissioners may require. Commissioners, collector and treasurer.

§ 6. *Be it further enacted*, that the said commissioners shall be constituted a body corporate and politic, by the name and style of "The Alton and Monticello McAdam Road Company," and by that name shall have succession for the term of ten years; may sue and be sued, complain and defend, in any court of law or equity. The said commissioners shall appoint one of their number for president, and may appoint a clerk if they shall deem it necessary. The said clerk shall keep a record of the proceedings of the board, and perform such other duties as may be required by the board. The commissioners shall be entitled to receive, Name and style  
Powers.  
Pay of commissioners.

out of the proceeds of the tax, as a compensation for their services, two dollars per diem for the time necessarily employed in the performance of their duties, under the provisions of this act; and they shall allow the collector, treasurer and clerk of the board a reasonable compensation for their services.

Making road.

§ 7. *Be it further enacted*, that the said commissioners shall be authorized to contract with one or more persons for the grading and construction of said road, and shall require bond and security for the faithful performance of all contracts.

Meeting to vote on tax.

§ 8. *Be it further enacted*, that when the said road shall be completed to the point indicated in section two, the said commissioners shall call a meeting of the legal voters of the district, giving the same notice required in the third section of this act, for the purpose of deciding whether a tax shall be levied in the district to grade and Macadamize the public road from the point of intersection with the line between townships five and six, north-northwardly towards Monticello; and, also, the public road leading from Upper Alton to Grafton, or such parts of said roads as the said commissioners may elect. The said election shall be conducted in the same manner as provided in said section. If it shall appear that a majority of the votes are in favor of the tax, one third of the amount arising from said tax shall be appropriated to the Alton and Grafton road, and two-thirds to the Alton and Monticello road.

Roads to be kept in order.

§ 9. *Be it further enacted*, that the county court shall keep the roads thus Macadamized in repair, or such parts thereof, as may be finished and turned over to the county.

County may aid.

§ 10. The county court of Madison county are hereby authorized to make such appropriation in aid of the construction of the said road, as, in their judgment and discretion may seem just and reasonable.

Basis of tax.

§ 11 *Be it further enacted*, that as a basis of taxation, the clerk of the board shall obtain, from the county assessor, a certified copy of the assessment of the district from which he shall make out blank receipts for the use of the collector, who shall have the same power and authority in the collection of the tax that the collector of the county revenue now has, or may have, under the laws of this state.

Moneys, how drawn.

§ 12. *Be it further enacted*, that all moneys drawn from the treasurer shall be by warrant, signed by the president of the board, and countersigned by the clerk. This act to be in force from and after its passage.

APPROVED February 16, 1865.

AN ACT to incorporate the Quincy and Pittsfield Macadam or Telford Road In force Feb. 16, 1865.  
Company.

SECTION 1. That all such persons as shall become stock- Name and style.  
holders agreeably to the provisions of this act in the corporation hereby created, shall be a body politic and corporate by the name and style of "The Quincy and Pittsfield Macadam or Telford Road Company," and shall by that name have perpetual existence, and by that name may sue and be Powers.  
sued, plead and be impleaded, answer and be answered unto in all courts of law or equity; may make and use a common seal, and alter the same at pleasure; may make by-laws, rules and regulations for the management of their property, regulation of their affairs and for the transfer of their stock, not inconsistent with the constitution of the United States or of this state, and may purchase, hold and convey real estate.

§ 2. Said corporation shall have power to construct, Width of road.  
maintain and continue a Macadam, or if they shall deem preferable, a Telford road of such width, above sixteen feet, as they may deem advisable, by the directors of said corporation on or near the route of the "state road," as surveyed August 18, A. D. 1857, "from Pittsfield, Pike county, to Quincy, Adams county," the definite location to be made by them from said city of Quincy to Fall Creek, or to the south line of said Adams county to intersect with the plank road leading to the city of Hannibal, Missouri, if said company shall so choose.

§ 3. The capital stock of said company may be one Capit alstock.  
hundred thousand (\$100,000) dollars, with the privilege of increasing it to twenty thousand more, divided into shares of fifty dollars (\$50) each, which shall be considered personal property.

§ 4. That Hon. Thomas Redmond, Jackson Grimshaw, Open books.  
Perry Alexander, Wm. Schreiber, James M. Pittman, E. H. Buckley, Eli Sechom, Clark Chatten, L. G. Carr, Oliver Gray, A. H. Geise, F. Relembing and Wm. H. Rollins, of said Adams county, or a majority of them, shall be commissioners for receiving subscriptions to the stock of said company, when and where, and after such notice as they or a majority of them, shall agree upon; they may require security for the payment of subscriptions thereto and partial payment thereof, from time to time, as they may deem necessary, before the same shall be taken.

§ 5. The affairs of said company shall be managed by Directors.  
seven directors, who shall be stockholders, and a majority of whom shall be and form a quorum to do the business of said company, and one of whom shall be president of the board or company. The directors shall elect of their own members a secretary, who may be *ex officio* treasurer of the company. The said directors shall be chosen by the stock-



Directors and officers, chosen, and when holders of said company as soon as ten thousand (10,000) dollars shall be subscribed of the stock of said company. Directors and other officers of the company shall continue in office for the space of one year, and until their successors shall be chosen and qualified. All elections shall be by ballot. The first election for directors shall be held at the time and place appointed by the said commissioners, but all subsequent elections shall be held and regulated according to the by-laws of the company. In all elections each share shall be entitled to one vote personally or by proxy. Whenever any vacancy shall happen in the board of directors such vacancy shall be filled for the remainder of the year by the remaining directors.

Vacancy.

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

Tolls and toll rates.

§ 7. The said corporation is authorized as soon as the board of directors are elected, to commence the construction of said road, and as soon as three miles thereof shall be completed may erect toll gates thereon and collect the tolls allowed by this act. Said company shall keep said road in repair, and said company shall have power to use, alter or construct bridges and causeways over any streams or sloughs anywhere upon the route of said road they may deem necessary; and said company may have power to borrow any sum, not exceeding twenty thousand dollars, to aid in the construction of said road, and for that purpose may mortgage said road or any real estate of said company.

Refusal to pay toll.

§ 8. The said company shall have power to fix and regulate the tolls to be charged and paid for passing on said road, which in no case shall be above the customary tolls on other similar roads in this state; and it shall be lawful for any toll gatherer to stop and detain any person going on said road until the toll properly charged shall be paid; and any person who shall use said road and refuse to pay said toll shall forfeit and pay for said refusal the sum of three dollars and cost of suit, to be collected by said corporation by action of debt before any justice of the peace of the proper county.

Style of road.

§ 9. Said company shall commence said road at Quincy, and build the same in a good substantial manner, above high water mark, so that the travel on the same will not be at any season of the year obstructed by high water.

Location of road

§ 10. The said corporation is hereby authorized to locate and construct said Macadam or Telford road over any lands owned by this state or by individuals on the route of said road. Said company shall pay all damages that may accrue to any person or persons by means of taking their lands, timber, rock or gravel for the use of said road; and

Right of way.

when the same cannot be obtained by the consent of the owners upon reasonable terms it shall be estimated and recovered in the manner provided by law for the recovery of damages happening by the laying out of highways.

§ 11. Any person who shall willfully injure or obstruct the said Macadam or Telford road, or any part of the appendages thereof, shall be guilty of a misdemeanor, and shall forfeit to the use of said company a sum three-fold the amount of the damages occasioned by said injury or obstruction, to be recovered in an action of debt before any justice of the peace or any court of record in this state.

Willfull injury  
to road.

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

Time to build  
road.

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

APPROVED February 16, 1865.

AN ACT to vacate a Road therein named and re-locate the same.

In force Feb. 14,  
1865.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the public highway known as the Lake Shore road, or Chicago and Milwaukee road, and all other roads by whatsoever designation known traversing or passing over or through the north-east quarter of the south-east quarter and the north-east quarter of section four (4) in township forty-three (43) of range twelve (12) east of the third principal meridian be and the same are hereby vacated and annulled.

Roads vacated.

§ 2. That the said road be and the same is hereby located as follows: Commencing at the south-east corner of said north-east quarter of the south-east quarter of said section, thence running north on the section line to the north-east corner of said quarter section, thence west along the north line of said south-east quarter of said section (said line forming the north line or boundary of said road,) to the north-west corner of said quarter section, thence north on the line between the north-east quarter and the north-west quarter of said section to the north-west corner of lot number one of the north-east quarter of said section, where said road shall resume the present traveled route of said highway, and in consideration of the owner of said lot number one giving the right of way over the same without compensation, it is declared and granted that no street or highway shall ever be laid across said lot, or any part thereof, without the consent of the owner thereof.

Relocation of  
roads.

§ 3. Said road shall be opened and rendered passable as soon as practicable.

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

APPROVED February 14, 1865.

In force Feb. 16,  
1865.

# AN ACT to locate a State Road in the county of Cook.

Commissioners  
to locate roads.

Route of road.

Proviso.

Time and place  
for commission-  
ers to meet.

Surveys.

Plat of road.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That* Waterman Reed, Sidney S. Campbell and Amos Parmelee are hereby appointed commissioners to view, mark and locate a state road in the county of Cook, as follows: Commencing at the junction of the Archer road with the Blue Island plank road, in front of the Brighton House, near the city of Chicago, thence south-westerly along said Archer road about three miles to the first angle in said Archer road, thence in a south-westerly direction about eight miles to the Calumet Feeder, on the range line between the towns of Palos and Worth, thence south on said range line across said Feeder and for the distance of about one mile, thence south bearing west across the Sag Swamp to a point eighty rods west of the south-east corner of section number twenty-four, town of Palos, and there terminating: *Provided*, that after a fair hearing of all the arguments for and against the farther extension of said road said commissioners, or a majority of them, shall be of opinion that the wants of the community are such as to demand a further extension of said road, then and in that case said commissioners shall so extend, mark, locate and establish said road in a south-westerly direction about four miles to the south-east corner of lands owned by Walter Chatfield in the town of Orland, the same being south side of section number three of said town.

§ 2. Said commissioners, or a majority of them, shall meet to perform the duties herein required of them at the Brighton House, at any time before the tenth day of July next, and before entering upon the duties herein assigned them shall take an oath before some justice of the peace faithfully to discharge the duties herein required.

§ 3. Said commissioners, in the discharge of their duties, shall procure the services of a competent surveyor, chain carriers and other necessary assistants, and shall view and locate said road by courses and distances.

§ 4. Said commissioners shall, within a reasonable time after they shall have viewed and located said road, as by this act required, cause a correct plat thereof to be

made by the surveyor, and shall file said plat, together with the field notes of such survey, in the office of the county clerk of Cook county, and said clerk shall record said plat and field notes in the book of records of the county board of Cook 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 be and is hereby declared to be a state road and public highway sixty-six feet in width, and shall be opened, worked and repaired as such. Width of road.

§ 6. 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 manner now provided by law. Damages.

§ 7. It shall be the duty of commissioners of highways in the several towns through which said road is located each and every year to ascertain the amount of road tax levied and collected of the non-resident lands lying within two miles of said road, and to lay out the same in constructing, repairing and improving said state road. Nonresident tax

§ 8. Said commissioners shall be entitled to and allowed as a compensation the sum of three dollars per day each for every days' work necessarily employed in the duties by this act required of them. Said surveyor shall be allowed as compensation for his services the sum of four dollars per day, and chain carriers and all other necessary assistants shall be each entitled to and allowed the sum of two dollars per day, each to be certified by said commissioners and paid by the board of supervisors of Cook county. Pay of commis-  
sioners.

§ 9. This act shall take effect and be in force from and after its passage. Pay of surveyor  
and assistants.

APPROVED February 16, 1865.

AN ACT to relocate a state road therein named.

In force Feb. 16,  
1865.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That so much of the state road or public highway as is located on the east half of section ten in township five north, range eight, west of the third principal meridian, running north and south, be and the same is hereby changed and relocated, so that the same shall run on the section line between said half section, and the west half of section eleven in said township. Road changed.

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

APPROVED February 16, 1865.



In force Feb. 15, 1865. AN ACT to amend an act entitled "An act to locate and establish certain state roads therein named, through the counties of Perry, Randolph and Jackson counties," approved February 18, 1861.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That Hawkins S. Ozburn, Richard H. Williams, and Harry Almon, or a majority of them, are hereby authorized and appointed commissioners to view and mark out a state road: Commencing at the southeast corner of Ozburn's addition to the town Pinckneyville, in Perry county, Illinois, thence south on the land lines through the lane between the farm now owned and occupied by John R. Jones and Francis Anderson; thence the nearest and best route to the old Nettleton farm; thence the nearest and best route to intersect the Chester and Mulkeytown road; thence along said road to the town of Denmark; thence to the old Jacob Short place, and thence the best and most direct route to Liberty, in Randolph county, the viewers avoiding as much as possible the injury of private property.

§ 2. Said commissioners, or a majority of them, shall meet to perform the duties required of them at Pinckneyville, at any time before the 1st day of January, A. D. 1866, and before entering upon the duties required of them by this act, shall take an oath before some justice of the peace faithfully and impartially to discharge the duties required of them by this act.

§ 3. That section 1st of an act entitled "An act to locate and establish certain state roads therein named through the counties of Perry, Randolph and Jackson counties," to which this act is an amendment, be and the same is hereby repealed, and section five of said act is hereby amended so as to allow, authorize and require the county courts of said counties through which said road passes to pay said commissioners at the rate of three dollars per day each, and to each man necessarily employed, as chain carriers, ax men and flag men, in laying out said road, the sum of two dollars and fifty cents per day, and to the surveyor the sum of four dollars per day.

§ 4. That it is made the duty of the county courts of said counties to cause said road to be opened sixty feet wide within their respective counties.

§ 5. 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.

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

APPROVED February 15, 1865.

Commissioners  
to view road.

Line of road.

Time and place  
of meeting.

Part of act re-  
pealed.

Pay of commis-  
sioners.

Width of road.

Act repealed.

AN ACT to relocate a certain state road therein named.

In force Feb. 15,  
1865.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the commissioners of highways of the town of Macon, in the county of Bureau and state of Illinois, be and they are hereby authorized to review and relocate that part of a certain state road from Hennepin, via Windsor, Providence and French Grove, in Putnam county, Shabanees Grove, and the town of Lagrange, in Henry county, to some point on the Mississippi river, at or near the mouth of Rock river, laid out under an act entitled "An act to locate certain state roads therein named," so far as the said road is now located on section two in said township of Macon, and file in the office of the county clerk of said county of Bureau a report of their proceedings under this act, and a plat and field notes of a survey of said road as relocated. Line of road.  
  
Plat of survey.

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

APPROVED February 15, 1865.

AN ACT to relocate a portion of a state road therein named.

In force Feb. 15,  
1865.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That Joseph Ledlie, Simeon Q. Harrison, and M. R. Anderson, be and they are hereby appointed commissioners to relocate so much of the state road leading from Springfield, in Sangamon county, to Beardstown, in Cass county, as lies between the west end of Jefferson street, in the city of Springfield, and the town of Pleasant Plains, in Sangamon county, said relocation to be made, as near as can be ascertained, on the original survey of said road, and on the road as now traveled between said points. Relocation of road

§ 2. That said commissioners, or a majority of them, shall meet on or before the first day of July next after the passage of this act, or as soon thereafter as possible, in the city of Springfield, Sangamon county, Illinois, and take an oath before some justice of the peace of said county well and truly to perform the duties required of them by this act. Time and place of meeting.

§ 3. When said commissioners shall have reviewed the ground, and shall have relocated said road, it shall be their duty to make out a plat of said road, and lay it before the board of supervisors of Sangamon county as soon as practicable; and the said road relocated is hereby declared the state road. Plat of road.

Record of plat.

§ 4. Said plat, or certified copy thereof, shall be evidence hereafter in all courts in this state; and it shall be the duty of the board of supervisors of Sangamon county to have said plat entered upon their records.

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

APPROVED February 15, 1865.

In force Feb. 16,  
1865.

# AN ACT to locate a state road therein named.

Commissioners  
to locate road.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That Christopher H. Havekluft, Charles Sprague, John R. Dutch, Abraham Lamaster and J. Henry Shaw, be and they are hereby appointed commissioners to view, work out, and locate a state road of four rods wide, commencing at the city of Beardstown, in the county of Cass, running thence, as nearly as practicable, on an air line, to the town of Rushville, in Schuyler county.

Time and place  
of meeting.

§ 2. The said commissioners, or a majority of them, shall meet at the mayor's office, in the city of Beardstown, on or before the first Monday of April next, or as soon thereafter as may be practicable, for the performance of the duties herein assigned them, and shall be and are hereby empowered to employ a surveyor, and such chainmen and axmen as may be necessary for the location of said road, who shall perform the duties required of them by said commissioners, and shall receive such compensation, or per diem allowance, as said commissioners shall certify they are justly entitled to.

Survey assess-  
ments.

Plat and survey.

§ 3. Said surveyor shall make out a correct plat or survey of said road, a true copy of which, duly certified by him, shall be filed by said commissioners, together with a report of their action in the premises, with the clerks of the county courts of the said counties of Cass and Schuyler, who shall enter the same of record in their respective offices, after which said road, or as soon thereafter as said commissioners, or any one of them, shall open the same or any part of said road, the same shall be worked and kept in repair as other state roads.

Road not to be  
altered county,  
by

§ 4. Said commissioners, or any one of them, are hereby vested with full power and authority to do all acts and things necessary to open and improve said road, or any portion of said road, as to them or him may seem best in conformity to this act. And when so opened and improved the same shall not be altered or changed by the county courts of the county of Cass, or of the county courts of Schuyler,

nor by the board of supervisors or road commissioners of either of the counties of Cass or Schuyler.

§ 5. Should any damages be claimed by any person or persons in consequence of said road passing his, her or their land or premises, the same shall be assessed and paid in the manner provided by law: *Provided*, that after the assessment of said damages, the opening or improvements of said road shall not be hindered or delayed. Damages.  
Proviso.

§ 6. The damages arising out of or by reason of said road passing over land situated in the county of Cass, shall be paid out of the county treasury of said county, upon the order of the county court; and the damages arising out of or by reason of said road passing over lands situated in the county of Schuyler, shall be paid out of the county treasury thereof, upon the order of the county court or the board of supervisors of said county. Pay of commis-  
sioners.

§ 7. Said commissioners shall receive, as a compensation for their services, five dollars per day, which shall be equally paid out of the county treasuries of the counties of Cass and Schuyler, together with the amount which they may certify to be due to such person or persons as they may employ in or about the location, survey or opening of said road, it being the true intent and meaning of this act, that each of said counties shall pay one-half of the expenses arising from or out of the location, surveying, opening and establishment of said railroad.

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

APPROVED February 16, 1865.

AN ACT to establish a state road therein named.

In force Feb. 16,  
1865.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That R. B. Slocum and Henry Holtzhausen, of Wayne county, and D. L. McCowley, of Clay county, be and they are hereby appointed commissioners to lay out and establish a state road from the town of Fairfield, in Wayne county, to the town of Clay City, in Clay county, by way of Enterprise, in Wayne county. Commissioners  
to locate road.

§ 2. Said road shall be located on the line now used as a county road between the above named points, or as near the same as said commissioners may deem practical and eligible, 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. Line of road.



through which said road may run, which shall be filed by the clerks of said counties in their respective offices.

Pay of commis-  
sioners.

§ 3. Said road when so laid out shall be and the same is hereby declared a state road, and shall be opened and kept in repair as other state roads. The county courts of said counties shall allow said commissioners three dollars per day for the time necessarily employed in locating said road, 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 16, 1865.

In force Feb. 16,  
1865.

AN ACT to incorporate the Chicago Sharpshooter's Association.

Name and style.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That Charles H. J. Miller, Andrew Gross, Nathan Eisendrath, Ernst Reider, Christian B. Meyer, Ludwig Wagner, Hugo C. Stenberg, and all such persons as may become associated with them, be and are hereby constituted a body politic and corporate, under the name of the "Chicago Sharpshooter's Association," and by that name shall have perpetual succession, with power to sue and be sued, plead and be impleaded, in all courts of law and equity in this state; may have and use a common seal, alter the same at their option; and shall have power to make by-laws, and amend the same in any manner not inconsistent with the laws of this state or of the United States.

Object.

§ 2. The object of this association shall be to educate its members by practice in the use of the rifle, and to promote social intercourse amongst them. And the officers of said association shall consist of a president, a vice-president, a treasurer, a secretary, a comptroller, a sergeant-at-arms and an assistant sergeant, all of whom shall constitute the board of directors of said association, on whom the management of all affairs of said association shall be vested; all of said officers shall be elected annually by the members of said association, and at such elections each member shall be entitled to but one vote; and stockholders who are not members of the association at the time of such elections, shall not be entitled to a vote.

Capital stock.

§ 3. The capital stock of said association shall be divided into shares of ten dollars each, and may consist of any number of shares not exceeding five thousand, and the same shall be subscribed for and taken under the direction of the

board of directors, at such time and place and in such a manner as they, from time to time, may determine.

§ 4. Annual meetings shall be held by the members of said association for the election of directors and other officers, and such other meetings at such other times and places as the by-laws may determine. The election of officers shall be by ballot, and all such elections and all votes shall be by a plurality of the members present. Annual meeting.

§ 5. Said association may hold real estate not exceeding in value fifty thousand dollars, and such personal estate as may be necessary for the objects of said association; shall be capable of receiving by gift, devise, or otherwise, real estate to an amount not exceeding twenty-five thousand dollars, as well as personal property; may lease, convey or mortgage the same, and pass such by-laws as may be necessary for the collection and disposing of contributions and regular dues, and initiation fees of its members. Hold real estate.

§ 6. The shares of said association shall be assignable and transferable only according to the regulations that shall be adopted by said association in that behalf; and shall be forfeited and canceled on the books for the non-payment of any installment due on the same, and when forfeited and canceled, such amount as has been paid thereon shall go to the general fund of said association. Shares assignable.

§ 7. The corporation may appoint such other officers, through the board of directors, as they may deem expedient, who shall hold their offices for the term of one year, and until their successors are elected and qualified. Officers.

§ 8. The corporation shall have the power to impose fines upon their members, to deprive members of their membership, and all rights, privileges and interests adhering thereto, for such causes as may be stipulated in the by-laws. Fines.

§ 9. The treasurer of said corporation shall give bond and security for the faithful performance of the duties of his office, to be approved by the directors. Treasurer to give bonds.

§ 10. This act shall take effect from and after its passage.

APPROVED February 16, 1865.

AN ACT to provide amendments to the Bloomington School Law.

In force when voted for.

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 establish and regulate a system of public schools in the city of Bloomington," approved February 16, 1857, be and the same is hereby amended as follows, to wit: the words, "and of such other persons living in the" Amendments.

immediate vicinity as may own property charged with a school tax in said city of Bloomington," in the sixth section of said act, are stricken out. Also, in the eighth section of said act the word "five," in both places where it occurs before the word "mills," shall be and is hereby changed to "ten," so that it shall read in both places ten mills on the dollar of the taxable property of said city, instead of "five" mills.

Examiners.

§ 2. That the tenth section of said act be and is hereby so amended that the said board of education are hereby authorized to choose the "examiners" provided for in said section, one or all of them, from the members of said board.

Elections, when held.

§ 3. That hereafter all elections under said school law shall be held at one place, to wit: at the court house in said city of Bloomington, instead of in the several wards as heretofore.

Borrow money.

§ 4. That the said board of education are hereby authorized to borrow money upon the signature of its president and secretary, (having been previously authorized to do so by the board at one of its legal meetings,) at a rate of interest not to exceed ten per cent. per annum, for the purpose of purchasing sites, building and repairing school houses, or furnishing the same, to an amount not to exceed for any one loan, one half of the probable sum to be realized from the taxes of the succeeding year, to be paid out of said taxes when collected in all cases.

Form of ballot.

§ 5. These amendments shall take effect and be in force from and after their approval by the legal voters of said city at the regular election for the members of the board of education, in April next, (1865), at which election the question shall be submitted in the following manner: ballots shall be prepared "for the amendments to the school law," and "against the amendments to the school law;" and if more votes shall be cast for than against said amendments, then said amendments shall from that date be and become a part of the school law of said city of Bloomington. But if more votes shall be cast against than for said amendments, then said amendments shall not become a portion of said school law.

APPROVED February 16, 1865.

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In force Feb. 16, AN ACT to amend an act entitled "An act for enlarging the Carthage School District," approved February 22, 1861.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That hereafter, upon the day fixed by the general school law for the*

election of directors of schools, next ensuing, an election shall be held in the town of Carthage for the election of three directors for said district, to be held and conducted according to the school laws then in force, as near as may be, the electors having the power to appoint a judge and clerk of such election, and said three directors so elected shall hold their office for one year, and an election shall be so held hereafter annually as aforesaid for three directors of said school district. The term of office of the school directors of said district now in office shall expire when the directors elected according to the provisions of this act shall have been elected and qualified. And if for any cause whatever, said election shall not be held at the time aforesaid, then said election may be held on any Monday thereafter, upon notice being given as required by the general school law of this state in force at such time.

Three district directors to be chosen.

Judges and clerks of election.

§ 2. All fines and penalties for the violation of any of the ordinances of the town of Carthage, in Hancock county, Illinois, and all moneys arising from the license of groceries and saloons, shall hereafter be paid over to the treasurer of the board of trustees of the said town of Carthage, for the use of the corporation of the town of Carthage, and shall not be paid over to the treasurer of said school district; and all fines, penalties and licenses whatever, heretofore assessed, or assessed and collected under said ordinances, and not yet paid over to the treasurer of said school district, shall be paid to the treasurer of the board of trustees of the town of Carthage for the use of said town.

Fines and license, how paid

§ 3. All the provisions of the said act to which this act is an amendment, inconsistent with the provisions of this act, are hereby repealed.

What repealed.

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

APPROVED February 16, 1865.

AN ACT to authorize the Board of Supervisors of Edgar county to apportion the county school fund to the several townships of Edgar county, on the same basis that the state school fund is now apportioned. In force Feb. 16, 1865.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the board of supervisors of Edgar county be and are hereby authorized, hereafter, if they shall so elect, to apportion the county school fund of Edgar county to the several townships, on the same basis as the state school funds are now apportioned.

School fund, how apportioned.

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

APPROVED February 16, 1865.



In force Feb. 16, 1875. AN ACT for the establishment of a system of graded schools in the town of Cordova.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That all the territory within the limits of township twenty (20) north, range one (1) east of the fourth (4) principal meridian, and all within the limits of sections thirty-one (31), thirty-two (32), and west half of thirty-three (w  $\frac{1}{2}$  33), fractional south half of thirty (frl S.  $\frac{1}{2}$  30), south half of twenty-nine (S.  $\frac{1}{2}$  29), and south-west quarter of twenty-eight (S. W.  $\frac{1}{4}$  28), in township twenty (20) north, range two (2) east of the fourth (4) principal meridian, Rock Island county, Illinois, is hereby erected into a common school district, to be known as "Cordova School District."

§ 2. All school lands, school funds, and other real or personal estate, notes, bonds or obligations belonging to township twenty (20) north, range two (2) east of the fourth (4) principal meridian, Rock Island county, Illinois, held or owned for school purposes, shall be divided between the Cordova school district and the portion of the township without the same, in the proportion and manner following: the school trustees of said township shall, within thirty days after the first election contemplated by this act, appoint one commissioner, and the board of education hereinafter named shall appoint one commissioner, who are freeholders, one a resident of said Cordova school district, the other of said township without the school district, who, after being sworn well and truly to discharge their duties, shall ascertain the whole number of persons under the age of twenty-one years residing in the whole of said township; then ascertain the whole number under twenty-one years of age residing in said Cordova school district, within said township, which will show the number of persons within the limits of that part of said school district within the township, and the number in the township outside of said district; and thereupon said trustees shall divide and apportion said funds, real and personal estate, bonds, notes and obligations of said township, between the Cordova school district and the township without the district, according to the above named enumeration of persons under the age of twenty-one years residing in said township. Said trustees and board of education shall have power to supply any vacancy occurring among said commissioners.

§ 3. Said trustees, or other person or persons having custody or control of said funds or lands, shall pay over and deliver to the board of education of Cordova school district, the portion of the funds and other personal estate, notes, bonds and obligations, to which the school district may be entitled, and execute and deliver to the board of education

the necessary deeds and other conveyances for the share of real estate due said district under said division.

§ 4. The public schools of said district shall be under the exclusive management and control of a board of education, to consist of six (6) persons. The board shall at their first meeting elect one of their number president, one secretary, and one who is not a member of the board, treasurer, who shall give bonds with approved security, for all moneys put in his custody, and pay the same upon the properly authenticated orders of the board of education. Thus organized, they shall be known as "the board of education of the Cordova school district."

Board of education.

§ 5. Said board shall have exclusive control over the school lands, funds and other means of said district for school purposes, and shall have full power to do all acts and things in relation thereto to promote the end herein designed; may sell or lease said lands, and other lands or property which may have been or may hereafter be donated, purchased or designed for school purposes in said district, on such terms, for cash or credit, and at such times as they may see proper. They shall have full power to receive conveyances or donations, and to make the necessary deeds or leases for lands; and all conveyances by the board shall be signed and acknowledged before some competent officer by the president and secretary of said board: *Provided, however*, that no sale or lease of land for more than one year shall be made without the concurrence of five members of the board. A majority of the board, with or without the president, shall constitute a quorum for the transaction of business, and in the absence of the president they may appoint one of their own number president *pro tempore*. The president shall only vote in case of a tie, when he shall have a casting vote.

Control of funds

Proviso.

President pro tem.

§ 6. Said board shall have full power to purchase or lease sites for school houses, with the necessary grounds therefor; to erect, hire or purchase buildings for school houses, and keep them in repair; to furnish schools with necessary books, fixtures, furniture, apparatus, and library or libraries; to establish, conduct and maintain a system of public graded schools, to be kept in one or more buildings in said district; to supply the insufficiency of school funds for the payment of teachers and other school purposes and expenses, by school taxes to be levied and collected as hereinafter provided; to determine the number and qualifications of teachers; to give to the same certificate of grade, upon a satisfactory examination; to make the appointment and fix the amount of compensation of teachers within said district, and of all other agents and servants: *Provided*, that the board of education shall in no case receive any compensation for their ordinary services as officers over the schools in said districts; to prescribe the studies to be taught

School sites and houses.

Grades schools. of

Proviso.

and books to be used in said schools, including maps, charts, globes, etc. To pass by-laws, rules and regulations to carry these powers into complete execution, and for the government of their own body, their officers, agents or servants; and providing for their meetings and adjournments, and generally to have and possess all the rights, powers and authority necessary for the proper establishment and control of an effective system of graded schools within said district; and they shall visit and inspect each and all the schools therein as often as may be necessary.

Proviso.  
School tax

§ 7. It shall be the duty of the board of education to determine the amount of money needed and to be raised for school purposes, over and above the amount from the school funds hereinbefore mentioned, or from other sources: *Provided*, said board shall not for any one year require to be raised more than two per centum for the benefit of said schools on the assessed value of the real and personal property of said district for such year, without a majority of the inhabitants of said district authorize them to do so at an election to be held for that purpose, at such time, and conducted in such manner as the board may direct; nor shall said board make any loan whatsoever for school purposes, or for purchasing or leasing grounds, or leasing or erecting buildings for school purposes, without a previous authority by such vote; but with the concurrence of a majority of such voters it shall be lawful to raise such sum, either by taxation or loan, as may not exceed in any one year, as a tax, two per centum, or as a loan, eight per centum of all the real or personal property of said district; and before the first day of September of each year they shall determine the amount required to be collected by taxation for expenditure for one year from the first day of October then next ensuing, for school purposes generally, and certify the amount to the county clerk of Rock Island county.

Levy of tax.

§ 8. It shall thereupon be the duty of the county clerk to levy said sum on all the real estate and personal property of said district according to the assessment and valuation thereof for the current year, equally, by a certain rate per centum, and collect the same as other taxes are collected; and when said taxes are collected they shall be used and applied for school purposes only, and shall be paid only on the order of said board.

Abstract  
children.

of § 9. It shall be the duty of the board to cause an abstract of the whole number of children under the age of twenty-one years within said district to be made and furnish the same, with such further information as is required in sections thirty-six and seventy-nine of the act to establish and maintain a system of free schools, approved February 16, 1857, to the school commissioner of Rock Island county, Illinois, within ten days after the same shall have been ascertained; and the school commissioner shall



pay annually to the said board, for the exclusive use of said district, the amount the district is entitled to receive from the funds that are or may be in his hands subject to distribution for the support and benefit of the schools in said county, in accordance with the provisions of the free school law now in force, the same as if no special charter had been conferred upon the schools of Cordova school district.

§ 10. No person shall be a member of the board of education unless he be a householder and freeholder, and a resident of said district; said board to be elected annually, on the first Monday of August, as hereinafter provided. The first election shall be advertised by the directors by posting six or more written notices in the most public places of said district, at least ten days prior to said first Monday in August. Said notices shall state where the election is to be held, the object of holding the same, and the hour of opening and closing the polls; at which election the directors, or a majority of them, shall act as judges. There shall be at said election six persons chosen, qualified as before mentioned, as members of the board of education, two of whom shall serve for one year, two for two years, and two for three years, which shall be decided at the first meeting of the board by drawing lots, and at every annual election thereafter there shall two members be chosen to serve for three years from the date of their election. It is provided that in case of death or removal of a member of the board from the limits of said district, their office shall be vacant, and said vacancy shall be filled for the said unexpired term by appointment by the board of education. All officers under this act shall hold their offices until the election and qualification of their successors.

Members of  
board.

First election.

Terms of mem-  
bers.

Vacancy, how  
filled.

§ 11. Said board shall cause all funds not needed for immediate use to be loaned at the rate of ten per cent. per annum, payable semi-annually, in advance. No loan shall be for a longer period than five years, and if exceeding one hundred dollars shall be secured by unincumbered real estate of at least double the value of the loan, without estimating perishable improvements. For any sum of one hundred dollars or under, good and satisfactory personal security may be taken.

Funds loaned.

§ 12. All notes and securities shall be to the board of education, for school purposes, and the borrower shall be at all expenses of examining titles, preparing and recording papers, etc.

Notes, how made

§ 13. In settling the estates of deceased persons, debts for school purposes shall be preferred to all others except those attending the last illness of the deceased and his funeral expenses, excluding the physician's bill.

School debts pre-  
ferred.

§ 14. If default be made in the payment of interest or of principal, when due, interest at the rate of twelve per cent. per annum on the amount due shall be charged from the

Default.



default, and may be recovered by suit. Suit may be for the interest only, whether the principal be due or not; and if the interest be not paid within ten days after the same becomes due, the principal, at the option of the holder of the note, shall thereby become due and may be recovered by suit if necessary.

Interest on judgments.

§ 15. All judgments for principal or interest, or both, shall draw interest at the rate of twelve per cent. from the rendition of judgment, and said board may purchase in property, sold on execution or decree, in their own favor, as other persons, with right of redemption as in other cases. No judgment for costs shall be rendered against said board to be paid out of the school funds.

Additional security.

§ 16. If the security for any loan or other debt due the school district, in the judgment of the board, becomes doubtful or insecure, they shall cause the debtor to be notified thereof, and if he do not immediately secure the same to the satisfaction of the board, the principal and interest shall thereby become due immediately, and suit may be brought against all the makers of the note, although such conditions or stipulations be not inserted in the note.

Annual exhibit.

§ 17. The board of education shall publish annually a statement of the number of pupils instructed the preceding year, the several branches of education pursued, the receipts and the expenditures of each department of the school, specifying the resources of such receipt and the objects of such expenditures.

Non-resident scholars.

§ 18. Said board shall have full power to admit persons who do not reside within said district into said schools, upon such terms as they may think proper.

Age of pupils.

§ 19. All persons over the age of five years and under the age of twenty-one years, residing within said district, shall be admitted to said schools free, or upon the payment of such rates of tuition as the board shall prescribe, but nothing herein contained shall prevent persons being suspended, expelled, or kept out of said schools altogether, for improper conduct, at the option of the said board.

§ 20. The board of education of the Cordova school district shall be considered, and they are, so far as loans, contracts, purchases and assessment of taxes are concerned, the legal successors of the former boards of directors of said territory comprised in said Cordova school district, and all the acts of said prior directors bearing upon and connected with and preliminary to this act, shall be and are hereby made legal.

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

APPROVED February 16, 1865.

AN ACT to amend an act entitled "An act for the establishment of a system of graded schools in the city of Galesburg." In force April 17, 1865.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That section seven, from the word "*Provided*" in the fifth line from the top of said section, be as follows, "*Provided*, said board shall not for any one year, require to be raised more than one per centum, for the benefit of said schools, on the assessed value of the real and personal property of said city, for such year, unless authorized by a majority of votes cast at an election ordered by said board for such purpose; notice of such election and the time and place having been given in accordance with the city ordinance for elections in force at that time, nor shall said board or said city council, make any loan exceeding one thousand dollars, nor for a time longer than six months for school purposes, unless authorized by vote as aforesaid." Proviso.  
Addition.

§ 2. At the end of section ten add the following words, "Anything in the charter of the city of Galesburg, to the contrary notwithstanding."

§ 3. At the end of section twenty-three, add the following words, "And amendment thereto."

APPROVED, February 15, 1865.

AN ACT to amend an act entitled "An act to incorporate the directors of the Naperville Graded School," in force June 13, 1863. In force Feb. 16, 1865.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That section nine of an act entitled "An act to incorporate the directors of the Naperville graded school," in force June 13, 1863, be and the same is hereby repealed. Sec. 9 repealed.

§ 2. The south two-thirds of block four, in Sleight's second addition, is hereby added to and made part of, the Naperville school district, in said act mentioned; and all fines assessed by justices of the peace in said district, shall belong to and become a part of said district for school purposes. Addition to district.

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

APPROVED, February 16, 1865.

in force when AN ACT for the establishment of a system of graded schools, in the city of  
city of Lincoln  
is organized, Lincoln.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That all the territory within the limits of the city of Lincoln, as the same may be incorporated by the act of this general assembly, is hereby erected into a common school district, to be known as the "Lincoln school district."

§ 2. The public schools of said district, shall be under the exclusive management and control of a board of education, to consist of the mayor of said city, who shall be *ex officio*, the president of said board and one director from each ward of said city, to be known as the board of education of the Lincoln school district; each of whom, with the clerk and treasurer of said board, shall be sworn to discharge his duties with fidelity. The said board of education shall have the same powers and privileges and be subject to the same liabilities, as trustees of townships and school districts by the general school laws of this state, so far as the same are not inconsistent with the provisions of this act. A majority of the directors, with or without the president shall constitute a quorum for the transaction of business; and the president shall vote only in case of a tie, when he shall have a casting vote. In the absence of the president, they may appoint one of their own number president *pro tempore*.

§ 3. The treasurer of the city of Lincoln shall be treasurer of said board of education; and his compensation, duties and liabilities as treasurer of said board, shall be the same as those of township treasurers under the general school laws of this state so far as not otherwise provided by this act: *Provided, however,* that if the said treasurer shall fail or refuse to give bond in the amount required by said board, with satisfactory security, to be approved by them, the office of treasurer of said board may be declared vacant, and they may appoint any other person, (not a member of said board,) to fill said vacancy; which person shall hold his office only for the unexpired term of the said city treasurer and until his successor shall be elected or appointed and qualified.

The city clerk of said city of Lincoln shall be the clerk of the said board. It shall be the duty of the said clerk to provide a book, to be called a journal, in which he shall record fully and at length the acts and proceedings of the board, their orders, by-laws and resolutions, rules and regulations; which book shall at all times be subject to the inspection of said board or other persons authorized by this act, or of any committee appointed by the inhabitants of said school district to examine the same. The board shall determine the compensation of said clerk; and may require him to give bond in such reasonable sum as they see proper, and may require, by by-laws, or ordinance, or resolution, the

aforesaid officers to discharge such other duties as may, from time to time be deemed expedient.

§ 4. The board shall be elected by all the qualified voters of said school district; the qualifications of electors to be the same as electors under the charter of said city of Lincoln; but one director shall reside in each ward of said city and shall be householder and freeholder thereof. The said directors shall hold their offices for two years from the day of their election and until their successors are elected and qualified, except that one-half of the first board elected under this act shall retire from office at the expiration of the first year from the election of the municipal officers of the said city of Lincoln, under the act incorporating the same; and one-half, at the expiration of the second year; the members elect to draw lots for their several times of service at their first meeting after their election. At the first election under this act, all of said directors shall be chosen, and at each election thereafter, successors to the directors whose terms are about to expire.

Election  
board. of

Terms of mem-  
bers.

§ 5. It shall be the duty of the city council, within thirty days after the first election under the charter incorporating the city of Lincoln, to order an election for school directors under this act, to appoint the time and place of holding an election therefor in each ward of said city, and to appoint the election of officers and the time of opening and closing the polls, giving the same notice thereof as is required by the provisions of said charter for the election of the municipal officers of said city; which said election shall be conducted and returns made thereof, in the same manner as required by the provisions of said charter. An election shall be held annually thereafter, at the same time and places for holding general elections for the municipal officers of said city, for the election of directors to fill the vacancies occurring in said board. The time and manner of opening, conducting and closing said election, the notice to be given thereof, and the several liabilities appertaining to the judges and clerks, shall be the same as prescribed by the charter of said city. Said board shall be the judge of the election and qualification of its own members, and in determining the same, shall be governed by the provisions of said charter. Removal from his ward and not out of said city, by any director, shall not vacate his office; but whenever any vacancy shall occur by death, removal or resignation, the city council shall supply the same by appointment, upon notice from said board; but the person so appointed to fill such vacancy shall reside in the ward where such vacancy exists, shall be a householder and freeholder thereof, and shall hold his office only for the unexpired term and until his successor shall be elected and qualified.

Election for  
school directors

Annual election.

Judges of elec-  
tion.

§ 6. Said board shall have exclusive control over the school lands, funds and other means or property of said dis-

Control of school  
property.



trict, and shall have full power to do all acts and things in relation thereto, to promote the end herein designed; may sell or lease said lands, or other lands or property, which may have been or may hereafter be donated, purchased or designed for school purposes in said district, at such times and on such terms, for cash or credit, as they see proper: *Provided, however,* that no sale of land or property shall be made, except to the highest bidder, at public sale, upon due notice given of said sale, by publication for the space of twenty days, in some newspaper published in said city. They shall have full power to receive conveyances or donations and to make the necessary deeds or leases for lands; and all conveyances by the board shall be signed and acknowledged before some competent officer, by the president and clerk of said board. They shall have full power to purchase sites for school houses, with the necessary grounds therefor, in any part of said school district; to erect or purchase buildings for school houses and to keep them in repair; to furnish schools with necessary books, fixtures, furniture, apparatus, library or libraries; to establish, conduct and maintain a system of public graded schools, to be kept in one or more buildings in said school district; to supply the insufficiency of school funds for the payment of teachers and other school purposes and expenses, by school taxes, to be levied and collected as hereinafter provided; to determine the number, make the appointment and fix the amount of compensation, of teachers in said district and to contract for the same: *Provided,* that the directors shall in no case receive any compensation for services as directors; to prescribe the studies to be taught, and the books to be used in said schools, including maps, charts and globes, etc.; to lay off and divide said district into smaller districts, and to alter the same and erect new ones at pleasure; to pass by-laws, rules and regulations to carry these powers into complete execution and for the government of their own body, their officers, agents or servants; to provide for their own meetings and adjournments; and generally to have all the rights, powers and authority necessary for the proper establishment and control of an effective system of graded schools within said district; and they shall visit and inspect said schools within said district as often as may be necessary.

School houses  
and sites.

Graded schools.

§ 7. It shall be the duty of said board, and they shall have full power, to determine the amount of money needed and to be raised for school purposes over and above the amount accruing or to be realized from the school funds of said district, or from other sources: *Provided,* said board shall not, for any one year, require to be raised, more than one per cent. for the benefit of said schools, on the assessed value of the real and personal property of said district for such year, without a majority of the legal voters of said district voting at an election to be held for that purpose,

Proviso.

authorize them to do so ; nor shall said board make any loan whatsoever, for school purposes, without previous authority by such a vote ; but with the concurrence of a majority of the voters voting at such an election, it shall be lawful to raise such sum, either by taxation or loan, or both, as said board may see proper : *And, provided, further*, that the sum to be borrowed in one year shall not exceed three per cent. of the taxable property of said district, as assessed for the previous year, nor the tax to be levied in any one year for building school houses or repairing or improving the same, or purchasing school sites, exceed two per cent. of said taxable property ; and said directors may exercise either or both the powers above mentioned, within the limits aforesaid, as they may be authorized by a vote of the inhabitants, in manner aforesaid.

§ 8. It shall be the duty of said board, before the first day of September in each year, to determine the amount necessary to be raised by taxation, for expenditure for school purposes, for one year from the first day of January then next ensuing ; they shall then find what rate per cent. this amount will require to be levied ; which rate, together with a list of the resident tax payers, shall be certified and returned to the clerk of the county court, on or before the second Monday of September ; and the same shall be extended by the county clerk upon the books of the county collector, and shall be collected in the same manner as other district school taxes of said county ; said taxes when collected, shall be paid over to the treasurer of said board, who shall keep an account of the same, and they shall be used and applied only for school purposes, and shall be paid out only on the order of the said board.

Amount of tax  
to be levied.

§ 9. It shall be the duty of the board to cause an abstract of the whole number of white children under the age of twenty-one years within said district to be made, and furnish the same, with such other information as is required in sections thirty-six and seventy-nine, of the act to establish and maintain a system of free schools, as amended February 22, 1861, to the school commissioner of Logan county, within ten days after the same shall have been ascertained ; and the said school commissioner shall pay annually, to the treasurer of said board for the exclusive use of said district, the amount said district is entitled to receive from the funds that are or may be in his hands, subject to distribution, in accordance with the provisions of the school law now in force, the same as if no special charter had been conferred upon the schools of said city of Lincoln.

Abstract of  
children.

School fund.

§ 10. The board of education are hereby vested with full power to borrow such sums of money, being subject to the restrictions contained in the seventh section of this act, as they may deem necessary for school purposes in said district, at a rate of interest not exceeding ten per centum per

Borrow money.

Contracts.

annum, payable at such place as may be agreed upon, and execute their bonds or obligations therefor; and shall likewise have full power to purchase or lease sites or grounds for the erection of buildings for school purposes upon credit, and execute, in their own names, contracts, bonds or obligations for the payment of the same; and all such contracts, bonds or obligations, mentioned in this section, shall be signed by the president and clerk of said board and registered by the treasurer, and shall be binding upon said district; and it shall be the duty of the said board to provide for the payment of the same and the interest thereon as it becomes due; and no vote of the inhabitants of said district shall be necessary to authorize said board to purchase a school site or sites, or to erect, locate, purchase or change a school building or buildings, or to levy a tax for the purpose of keeping open and maintaining said school or schools, during as many months of the year as said board may see proper.

Powers and privileges.

§ 11. The said board of education shall be a body corporate and politic, and by that name may sue and be sued in all courts and places whatever. They shall be liable for the payment due teachers, and all other agents, officers or servants whom they may employ, and for all debts legally contracted by them; and the method of enforcing the collection of judgments and executions against them, shall be the same as that prescribed by the forty-ninth section of the act to establish and maintain a system of free schools, approved February 22, 1861, as far as the same is not otherwise inconsistent with the provisions of this act.

Funds may be loaned.

§ 12. Said board shall cause all funds not needed for immediate use, to be loaned at the highest rate of interest practicable, not exceeding ten per cent. per annum, payable semi-annually in advance; and all notes and securities shall be to the board of education, and in relation thereto, the provisions of the act of February 22, 1861, as contained in the fifty-seventh, fifty-eighth, fifty-ninth, sixtieth and sixty-first sections thereof, shall be extended; the board of education having the same powers, duties and privileges as the board of trustees mentioned in the aforesaid sections of said act.

Annual statements.

§ 13. The board of education shall publish annually a statement of the number of pupils instructed the preceding year, the several branches of education pursued, the receipts and expenditures specifying the sources of such receipts, and the objects of such expenditures.

Rates of tuition.

§ 14. All free white persons over the age of five years and under the age of twenty-one years, residing within said district, shall be admitted to said schools free or upon the payment of such rates of tuition as the board shall prescribe; and said board shall have full power to admit persons who do not reside within said district into said schools,



upon such terms as they may see proper; but nothing herein contained shall prevent persons being suspended, expelled or kept out of said schools altogether for improper conduct.

§ 15. All school lands, school funds and other real and personal estate, notes, bonds or obligations belonging to township 20 north, and range 2 west, of the 3d P. M., and township 20 north, and range 3 west of the 3d P. M., in Logan county, Illinois, held or owned for school purposes, shall be divided between the city of Lincoln and the portions of the said townships without the same, in the proportion and in the manner following, to-wit: The board of education of said district, and the boards of trustees of said townships shall, within thirty days after the first election of directors contemplated under this act, shall appoint each one commissioner, a freeholder, who, after being sworn well and truly to discharge their duties, shall ascertain the whole number of white persons under the age of twenty-one years, residing in the whole of each of said townships, and the whole number in said city, and in each of the parts of said city, within the respective townships, and report the same to the board of trustees of the respective townships; and it shall, thereupon, become the duty of the said boards of trustees to divide and apportion the funds, real and personal estate, notes, bonds and obligations of their respective townships, between the city and the respective portions of the same without the city, according to the number of white persons under the age of twenty-one years residing in said townships. School property,  
how divided.  
Each body shall have power to supply any vacancy occurring among said commissioners; upon said appointment being made, that portion of the funds and other personal estate, notes, bonds or obligations, to which the Lincoln school district may be entitled, shall be paid over to the treasurer thereof, and shall enure to the benefit of said district; and said trustees shall execute and deliver to said board the necessary deeds and other conveyances for the share of the real estate of said district, under said division. Vacancy.

§ 16. No person shall be entitled to vote at any election held in said district on the question of raising money for the benefit of said school, either by borrowing or by taxation, unless he shall be a voter under the general laws of this state; and, in addition thereto, shall have been a *bona fide* resident of said district for the last thirty days immediately preceding the day of such election, and of the ward in which he proposes to vote for the last ten days preceding the day of such election; nor unless he shall have paid a tax in said district the preceding year, or shall have been assessed in such district for the year in which such election is held. Notice of all elections to be held under this section and section seventh of this act, shall state the time and place of holding the same; the time of opening and con- Right to vote.  
Notice of elec-  
tion.



ducting the polls; the amount proposed to be raised either by borrowing or taxation, or both: and shall be given by publication in some newspaper published in said city (if there be one.) at least ten days before the day of such election, and, also, by posting up similar written notices for the same length of time, in two of the most public places in each ward of said city. The board of directors shall appoint three judges of said elections, and said judges may appoint one of their own number as clerk, and in case of the neglect, refusal or inability of any one or two of said judges to act, the third may appoint any one or two (as the case may be) of the bystanders, to act as judges; and if all three of said judges appointed shall refuse or neglect or be unable to serve the legal voters present at the time for opening the polls, may choose three of their own number to act as such judges. Said judges shall be sworn before entering upon their duties, to execute the same, well and faithfully; and shall make due return, within two days after such election, of the poll books of the same, duly certified, showing the name of every person voting at any such election, and the number of votes cast for or against each question submitted to vote at such election, together with the ballots to the clerk of said board of education; and the same shall be filed and preserved by him as evidence of the result of said election. If the vote of any person offering to vote at any such election, shall be challenged, the judges of said election shall require such person to prove, by the testimony of two legal voters, who are known to them to be such, his residence for the required period in said district and ward; and shall otherwise show himself entitled to vote in the same manner as is or may be required by the general election laws of the state: *Provided, however*, that said voter may make oath to his having paid taxes or having been assessed, in manner, as required by this section.

Proviso.

Act when re-  
pealed.

§ 17. This act shall be held and deemed to be a public act, and upon the organization of the city of Lincoln, by the election of municipal officers, under the act incorporation of the same. This act shall become a law and be in full force and effect, and thereupon the act approved February 24, 1859, entitled "An act to establish the Lincoln school district shall be and become repealed."

APPROVED February 16, 1865.

AN ACT for the establishment of a system of graded schools in Warsaw, In force April 15, 1865.  
Illinois.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That all the territory within the limits of the township of Warsaw, Hancock county, Illinois, according to its present or future boundaries, is hereby erected into a common school district, to be known as the Warsaw school district.

Bounds of district.

§ 2. The care and superintendence of the common schools within said district, together with the funds and estate, both real and personal, belonging to and which may be conveyed to said district, shall devolve upon a board of education for said district, and they shall have the exclusive management and control of said schools, and said real and personal funds and estate.

Board of education.

§ 3. The said board of education shall consist of six members, who shall be legal voters of said district, and they shall be elected by the legal voters of said district, and hold their offices for three years from the day of their election and until their successors are elected, except that of the board first elected under this act, two shall retire from office at the end of the first year, two at the end of the second year, and two at the end of the third year; and the period of their said retirement shall be determined by lot among said members.

Term of office.

Three classes.

*Elections.*—An election shall be held annually at the public school building, on block 92, in the town of Warsaw, according to its recorded plat, on the last Saturday in the month of June of each year, at the first of which six members of said board shall be elected, and at each election thereafter there shall be elected successors to those members whose terms are about to expire, and to fill the unexpired terms of those members whose places in said board have become vacant during the year preceding by reason of death, resignation, or removal from said district, and said board of education shall have power to fill all vacancies so occurring until the ensuing annual election.

Elections.

*Notice.*—Notice of these annual elections shall be given by the clerk of said board, by posting up written notices of the time and place of said elections and the officers to be elected and the questions to be determined thereat, in three of the most public places of said district, at least ten days before such election is to take place; and the first election under this act shall take place in June next, and the notice therefor shall be given by the acting clerk of the present board of education for said district; and until said first election said present board of education shall hold their present offices, as shall also their present treasurer and clerk; and all their several acts shall be valid and binding, according to their present rules. Said election shall be conducted in the manner pro-

Notice of annual elections.

Poll books.	vided for the election of school trustees by the act in force April 23. A. D. 1859, except that the president of said board shall be one of the judges of election, if present; and there shall be two clerks of said election, one of whom shall be the clerk of the board of education, if present; and two poll books of said election shall be kept, one of which shall be filed by the clerk of said board, and the other of which shall be returned by said clerks of election to the clerk of Hancock county and be by him filed in his office.
Name of board.	§ 4. Said board are hereby created a body corporate and politic, by the name of the "Board of education of the Warsaw school district," and by that name may sue and be sued, plead and be impleaded, answer and be answered unto, in all courts and places, and have perpetual succession and a common seal, and the same alter and change at pleasure; and they may exercise all the powers that school trustees of townships and boards of directors of school districts generally may do by any law now in force or that may be hereafter passed; and they are hereby empowered to receive conveyances of real estate by their corporate name, and also to convey the same by said name, and all such conveyances shall be executed and acknowledged by the president of said board, and attested by its seal and the signature of the clerk: <i>Provided</i> , that all such conveyances shall be authorized by a resolution of said board: <i>And, provided, further</i> , that all sales and conveyances of school houses and grounds pertaining thereto shall be determined upon by a majority of the legal voters of said district, upon the submission of the question of such sale to them, at an annual election by said board.
Powers.	
Stated meetings.	§ 5. Said board shall hold stated and regular meetings once in each month, the time to be designated by the rules of said board; and said board may make, from time to time, all needful rules and regulations for their own government and the government of all officers and agents elected or appointed by the board, and for the custody, care and management of all the schools, school funds and school property belonging at any time to said Warsaw school district, and all such rules shall have the force and effect of ordinances passed by the council of a city, and shall be recorded by the clerk of said board, and a copy thereof, certified by said clerk, under the seal of said board, shall everywhere be received as evidence of the passage of said rules, which shall be in force from their passage.
Annual meeting. Duties and pay of officers.	§ 6. Said board shall annually, at their stated meeting in July, elect one of their number president, who shall preside at the meetings of the board, if present, and perform such other duties as may be imposed upon him by the rules of said board; and they shall also elect a treasurer and clerk, who shall not be members of said board; and said treasurer shall be treasurer of the school fund of said dis-

strict; and they may also elect a superintendent of schools of said district, who may or may not be one of their own number, and appoint such agents and committees as the necessities of said district may seem to require, and adopt rules determining their duties and compensation; and all such officers so elected shall hold their offices for one year from said July meeting and until their successors are elected and qualified, unless sooner removed by said board for adequate cause: *Provided*, that the members of said board shall in no case receive any compensation for their services as such, but shall render their said services for love of the cause, the honor of the position and the public good.

§ 7. All actions and rights of action which have accrued or may hereafter accrue to any persons or corporations for the benefit of the said Warsaw school district, are hereby vested in said board of education. Rights of action.

§ 8. Said board of education, or a committee thereof, shall examine all applicants to teach in the public schools of said district in relation to their qualification to teach, and if satisfied that said applicant is apt to teach, possesses good governmental qualities, is of good moral character, and properly qualified to teach such branches as is required of him or her, said board shall give such person a certificate of qualification, signed by the president, and may revoke the same for gross immorality, incompetency, or other adequate cause. Said board shall elect all instructors in the public schools of said district, and determine their duties and compensation and time of service, and may remove the same at any time for adequate cause, to be determined by said board by a rule adopted for that purpose. Qualification of teachers.

§ 9. A majority of said board shall constitute a quorum for the transaction of all business. It shall be the duty of said board to cause an abstract of the whole number of white children under the age of twenty-one years, within said district, to be furnished with such further information as is required in sections 36 and 79 of this act to establish and maintain a system of free schools, approved February 16, A. D. 1857, to the school commissioner of Hancock county, within ten days after the same shall have been ascertained; and the school commissioner shall pay annually to the treasurer of said board, the amount said district is entitled to receive from any funds that are or may be in his hands, subject to distribution for the support and benefit of schools in said county, in accordance with the provisions of all laws that have been or may be passed, the same as if no special charter had been conferred upon said Warsaw school district. Quorum. Abstract of children.

§ 10. Said board shall have full power to purchase or lease sites and necessary grounds for school houses; to erect, hire, purchase, finish and keep in repair sufficient buildings for school purposes; to furnish schools with necessary books, School houses and sites.



fixtures, furniture, apparatus and libraries ; to establish and maintain a system of public graded schools in said district ; and to prescribe the studies to be taught, and the books to be used therein ; to pass by-laws and rules to carry these powers into complete execution ; to supply the insufficiency of school funds for payment of teachers, and other school purposes and expenses, by school taxes, to be levied and collected as hereinafter provided.

Tax to support  
schools.

§ 11. It shall be the duty of said board, and they shall have full power to determine the amount of money needed to maintain the public schools of said district, free to all the children therein ; and for paying all expenses of the same, of every description, for each school year, over and above the amount of money from school funds and all other sources ; and they shall designate the same school tax, and it shall, in like manner, be the duty of said board, and they shall have full power to determine the amount of money needed at any time for the purposes of purchasing, leasing or improving grounds for school purposes, or for purchasing, leasing, building, finishing, repairing, improving or insuring school houses, or for procuring furniture, libraries or apparatus therefor ; and they shall designate the same school house tax ; and it shall be the further duty of said board, at any meeting prior to the second Monday of September, annually, to ascertain the rate per cent. upon the assessment of property in said township, for state and township purposes for that year, needed to be levied to raise the amount of school tax determined upon, and what rate per cent. upon the same will need to be levied to raise the amount of school house tax determined upon, which rate or rates per cent., respectively, the president and clerk of said board shall certify, under the seal of said board, and make return thereof to the clerk of Hancock county, on or before the 2d Monday of September, annually ; and it shall be the duty of said clerk to extend the said tax or taxes in one column under said name of school tax, according to said rate or rates upon the collector's books for that year for said township of Warsaw, or said Warsaw school district ; and the said taxes shall be collectable as other taxes are or may be ; and the township collector shall pay over such school tax and school house tax to the treasurer of said board, at or before the time for him to return his books ; and all delinquent taxes collected, or redemptions made from tax sales, shall, to the extent of said taxes and the redemption made thereon, be paid over to the officers receiving the same, to the treasurer of said board on demand.

Record of board

§ 12. The clerk of said board shall keep a record of all its proceedings, and have custody of the seal, and attest, with his signature and the seal of the board, all official acts authorized by the board, and signed by the president,

and perform such other duties as may be imposed upon him by the rules of said board.

§ 13. The treasurer elected by said board shall, before entering upon his duties, execute a bond, with two or more freeholders, who shall not be members of the board, as securities, payable to the board of education for which he is elected treasurer, with a sufficient penalty to cover all liabilities which may be incurred, conditioned faithfully to perform all the duties of treasurer of said board according to law, and the securities shall be approved by a majority of said board, and the bond shall be filed and kept by the clerk of said board; each treasurer so elected shall have custody of all bonds, notes, mortgages, moneys and effects, denominated principal, as well as all school moneys and funds for distribution belonging to said Warsaw school district, and the said penalty of said treasurer's bonds shall be twice the amount of said bonds, mortgages, notes, moneys and effects, as near as can be ascertained, which bonds shall be in the following form:

STATE OF ILLINOIS, )  
HANCOCK COUNTY. ) ss.

Form of bond.

Know all men by these presents, that we, A B, C D, and E F, are held and firmly bound, jointly and severally unto the board of education of the Warsaw school district, in the penal sum of \_\_\_\_\_ dollars, for the payment of which we bind ourselves, our heirs, executors and administrators, firmly by these presents. In witness whereof we have hereunto set our hands and seals, this \_\_\_\_\_ day of \_\_\_\_\_ 18—, the conditions of the above obligation is such that if the above bounden A B, treasurer of the board of education of the Warsaw school district aforesaid, shall faithfully discharge all the duties of said office according to the laws that now are or may hereafter be in force, and the rules of said board, and shall deliver to his successors in office all moneys, books, papers, securities and property in his hands as such treasurer, then this obligation to be void, otherwise to remain in full force and effect.

§ 14. Said board of education shall have power to prescribe the mode of keeping the treasurer's books, and make such rules regulating the conduct of his office of treasurer as they may deem proper, not inconsistent with this act.

Treasurer's books.

§ 15. Said treasurer shall loan all moneys which may come into his hands by virtue of his office, except such as may be subject to distribution or applicable to some other special purpose upon the following conditions: the rate of interest shall be ten per cent. per annum, payable every four months in advance, the time for which loans shall be made, shall not be less than six months nor more than five years. For all sums not exceeding one hundred dollars, loaned for not more than one year, two responsible sureties shall be given for all sums over one hundred dollars, and for all loans for more than one year security shall be given by mortgage or deed of trust on unincumbered real estate, in value double the amount loaned; and in case improvements are included in said valuation, said improvements shall be insured to the amount of said loan, and the policy of insu-

Funds to be loaned.

rance assigned to said board as collateral security, and all such mortgages or deeds of trust shall be conditioned that in case additional security shall at any time be required by said board, the same shall be given to the satisfaction of said board. Notes, bonds, mortgages and other securities taken for money or other property due or to become due to said board, shall be payable to said board by their corporate name, and in such name every description of legal and equitable proceedings may be had for the recovery of money for breach of contracts, and for every legal and equitable liability which may at any time arise or exist, or upon which a right of action shall accrue to the use of this corporation: *Provided*, that notes, bonds, mortgages and other securities which are payable to the city of Warsaw for the use of the Warsaw school district, shall be valid to all intents and purposes, and suit may be brought on the same in the name of said board of education: *And, provided, further*, that if at any time any portion of the principal of said school fund shall remain in the hands of said treasurer for the space of three months unloaned by reason of inability on the part of said treasurer to safely loan the same at ten per cent., then said board may, by unanimous resolution, authorize said treasurer to loan said portion of said principal for six months only at a time, for such less rate of interest than ten per cent., as said board may unanimously agree upon; or said board may order said portion of said principal to be invested in interest bearing securities of the United States, until such time as the same can be loaned for ten per cent. The wife of the mortgagor, (if he has one,) shall join in the mortgage or deed of trust given to secure the payment of the money loaned by virtue of the provisions of this act, and if given upon a homestead, said homestead right shall be released and waived in favor of said board of education.

Funds loaned.

Mortgages to secure fund.

§ 16. Mortgages or deeds of trust to secure the payment of money loaned under the provisions of this act, may be in the form prescribed by the fifty-eighth section of "An act to establish and maintain a system of free schools," approved February 16, A. D. 1857, and shall be recorded and acknowledged as is required by law for other conveyances of real estate, and the mortgagor shall pay the expenses of acknowledging and recording, and fifty cents as a fee to the treasurer of said board; but mortgages in any other form to secure payment as aforesaid shall be valid, as if no form had been prescribed; and upon breach of any condition or stipulation contained in any of said mortgages or deeds of trust, an action may be maintained and damages recovered as upon other covenants, and the same may be foreclosed in equity.

When additional security required.

§ 17. Whenever said board shall require additional security to be given for the payment of money loaned, and such security shall not be given, the clerk of said board shall notify said treasurer of said requirement, and said treasurer



shall cause suit to be instituted for the recovery of the same, and all interest thereon to the date of judgment. In the payment of debts by executors and administrators debts due or to become due to said board, shall have preference over all other debts, except funeral and other expenses attending last illness, not including physician's bill; and it shall be the duty of said treasurer to attend at the probate office upon the proper day and have such debts probated and classed to be so paid.

Preferred debts.

§ 18. If default be made in payment of interest upon or principal of money so loaned by said treasurer, interest at the rate of twelve per cent., per annum, shall be charged upon said principal and interest from the day of default, and included in the judgment given or decree rendered in any suit brought to recover principal and interest or interest only; and said treasurer is hereby empowered to bring all needful actions in the corporate name of said board for the recovery of the interest payable once in four months in advance, and all other interest, without suing for principal in whatever way secured; and justices of the peace shall have jurisdiction in all such cases of all sums of one hundred dollars and under; and all judgments given or decrees rendered for school funds so loaned by said treasurer, shall bear interest at rate of six per cent., per annum, from date of such judgment or decree.

Default of interest.

§ 19. At the stated meetings of said board in April and October of every year, the treasurer shall lay before the board of education a statement, showing the amount of interest, rents, issues, profits or losses, and proceeds of special taxes that may have accrued or become due, and the amount of same that has actually come into his hands since the last half yearly meeting on all the property of said Warsaw school district; he shall also lay before said board all books, notes, bonds, mortgages, and all other evidence of indebtedness belonging to said school fund for examination by said board at said half yearly meetings, and make such other statements and exhibits from time to time as said board may require touching the duties of his office and loans and securities.

Annual statement of treasurer.

§ 20. It shall be the duty of said treasurer to use diligence in keeping said school fund loaned at interest, and in case of failure or refusal to perform all the duties of treasurer required by law, he shall be liable to said board, on his bond, to be recovered by said board in an action of debt in their corporate name for the use of said school fund, before any court having jurisdiction of the amount of damages claimed: *Provided*, that if said treasurer in any such failure or refusal, acted under and in conformity with a requisition, rule, or order of said board, entered upon their records, then the members of said board voting for said order, rule or requisition, and not the treasurer, shall be liable jointly and sev-

Proviso.



erally to the inhabitants of said Warsaw school district, to be recovered by action of assumpsit in the official name of said board.

Treasurer to deliver books and funds.

§ 21. When a treasurer shall resign, remove from said district, or be removed from said office, and at the expiration of his term of office, he shall pay over to his successor in office all moneys on hand and deliver over all books, notes, bonds, mortgages and other securities for money, and all papers and documents of every description in which said board may have any interest whatever, within his care, custody or control; and in case of death of said treasurer, his securities and legal representatives shall be bound to comply with the provisions of this section, and for non-compliance he and they shall be liable to a penalty of not less than one hundred dollars, at the discretion of the court, before which judgment may be obtained; and the obtaining and payment of said judgment shall in nowise discharge or diminish the obligation of his official bond.

Interest alone to be distributed.

§ 22. No part of the principal of said school fund shall ever be distributed or expended for any purpose whatever, but shall be loaned out and held to use, rent or profit, as provided by law; and if in any year there shall be any interest or other funds on hands which shall not be required for distribution, such amount may, by a vote of said board, be declared principal, and forever after loaned as aforesaid, or the same may by like vote of said board be expended for apparatus or libraries.

Money, how paid out.

§ 23. School funds collected from taxes levied as hereinbefore provided, or from sale of property belonging to said district, other than property bought or taken in payment or satisfaction of loans of principal of school fund, and all moneys and school funds liable to distribution, or collected for special purposes, not being principal, paid in to said treasurer, or coming into his hands, shall be paid out only on the order of the board, signed by the president and attested by the signature of the clerk of said board; and for all payments made, receipts shall be taken and filed by said clerk, and said orders and receipts shall show the purposes for which and on what account said orders were drawn; and the treasurer, upon payment of all orders shall take them up, cancel them and file them in his office.

§ 24. All acts and parts of acts relating to said Warsaw school district inconsistent with this act are hereby repealed.

§ 25. 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.

APPROVED February 16, 1865.

AN ACT to incorporate the Kankakee School District.

In force Feb. 16,  
1865.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the territory embraced within the limits described as follows, to wit: Commencing at the south-west corner of fractional section number thirty-one, in township number thirty-one north, of range number twelve east, in Kankakee county; thence running north to the north-west corner of said section; thence east to the center of section number thirty-three, in said township and range; thence south to the south side of said township; thence to the north and south line of the center of section number four, in township number thirty north of range number thirteen west, in said county; and thence south to the Kankakee river; thence down said river to a point where the north side of fractional section number eight, in said last-mentioned township, strikes said river; thence west along the north sides of said section number eight and section number seven, to the west side of said last-mentioned township; and thence north to the north-west corner thereof; and thence west to the place of beginning, shall constitute a school district, to be known as the Kankakee School District.

Name and limits  
of school dis-  
trict.

§ 2. The government of said school district shall be vested in a board of education, to be composed of six persons, to hold their offices for three years, and until their successors are elected and qualified; and the said board of education are hereby declared a body politic and corporate, by the name and style of "The Board of Education of the Kankakee School District;" and by that name may sue and be sued, and receive the title to real estate conveyed to the said school district, and sell and convey real estate belonging to the said board or said district; and all school houses, property and real estate belonging to the school districts embraced within said school district, is hereby conveyed and vested in the said board of education, in fee simple; and the said board of education are hereby made the successors of the directors of all schools of the school districts merged in or embraced within the limits of said district; and all documents, contracts, indentures, or instruments in writing, made or issued by said board, shall be signed by the president thereof, and attested by the clerk thereof.

Board of educa-  
tion.Name and style.  
Powers.

§ 3. On the first Monday of August, A.D. 1865, there shall be elected, by the electors of said school district, six persons to constitute said board of education; and upon their first meeting, they shall cast lots for their respective terms of office: two to serve one year, two to serve two years, and two to serve three years; and on the first Monday of August, annually, thereafter, there shall be elected by said electors of said school district, two persons as members of said board of education, and also, persons to fill any

Election.

Classes.

Vacancies

Place of election	vacancies in said board for unexpired terms, when they occur. Ten days' previous notice of such elections shall be given by the clerk of said board, by posting up five notices of the time, place and purposes of such election, in the most public places in said school district. Said elections shall be held at the court house in said school district, and shall be by ballot. The president of said board, and one member thereof, shall be judges of such elections, and the clerk of said board shall be clerk of such elections; but if any of said officers shall fail to attend, or refuse to act, the electors assembled shall, <i>viva voce</i> , choose persons to act as such judges and clerk. A poll book shall be kept by the clerk, registering the names of the voters; and the persons receiving the highest number of votes cast shall be declared elected. In case of a tie in any election, the judges of election shall decide the same by casting lots on the day of the election. The elections shall be opened at the hour of one o'clock P. M., and shall be closed at the hour of four o'clock P. M.; and the judges and clerk shall certify, to the board of education, the names of the persons who were elected members of said board, and the number of votes each person voted for received. If, between the times of the annual elections, any vacancy shall occur in said board, by death, removal from said district, or resignation, the remaining members of said board shall appoint a person to fill such vacancy until the next annual election.
Judges of election.	
Poll books.	
Opening and closing polls.	
Annual meeting.	
Term of office.	§ 4. On the second Monday of August, in each year, said board of education shall meet together, and organize by electing one of their number president of said board, and another of their number clerk of said board, and shall appoint a treasurer of said school district, who shall not be a member of said board, and shall hold his office for three years, and until his successor shall be appointed, but may be removed at any time by said board, and his successor appointed. Said president and clerk shall hold their offices for one year. The clerk of said board shall be present at all meetings of said board, and record the proceedings of such meetings, in records to be kept for that purpose; and the result of the aforesaid elections and appointments shall be entered in such records; and said proceedings, when recorded, shall be signed by the president and attested by the clerk of said board; and the same, or certified copies thereof, under the hand of said clerk, shall be <i>prima facie</i> evidence in courts and elsewhere. Said board shall also meet on the first Mondays of the months of November, February and May, of each year, and may adjourn from time to time, as they may think proper; and the president or any two members of said board may call special meetings thereof, whenever it may seem proper. Four members of said board shall constitute a quorum for the transaction of business; and in the absence of the president or clerk, the board may ap-
Special meetings	



point a president or clerk *pro tem.*; and upon the death, removal from said district, or resignation of the president or clerk, the said board shall elect persons to fill such vacancy for the unexpired term.

§ 5. The said board of education shall have the following powers, besides those hereinbefore mentioned :

*First.* They shall provide common schooling for all persons residing within said school district, between the ages of five years and twenty-one years, for not less than eight months of each year. Age of pupils.

*Second.* They shall have control of all school houses, school lots and school property within said school district; shall have power to purchase lots for the erection of school houses thereon, and erect or hire buildings for school houses, and keep the same in repair, and furnish schools with necessary fixtures, furniture, books, apparatus and libraries.

*Third.* Whenever said board of education shall be of the opinion that any of the real estate belonging to said board or said district has become unnecessary, unsuitable, or inconvenient, or shall, in any way, deem it proper to sell such real estate, they may sell and convey the same; and all such conveyances shall be signed by the president of said board, and attested by the clerk of said board, for and [in] behalf of said board. May sell property.

*Fourth.* They shall appoint all teachers of the schools of said district, fix their salaries or compensation, and may dismiss such teachers at any time. Teachers, how appointed.

*Fifth.* They shall direct what branches of learning shall be taught, and what books shall be used in said schools. Studies.

*Sixth.* They shall establish schools or departments of different grades, and may, either themselves, with the aid of the principal teacher of the highest grade or department of the schools of said district, or through a committee of three examiners, to be appointed by said board, including said teacher, examine scholars, in advancing them from grade to grade; and upon passing a sufficient examination, upon completing the branches of learning directed by said board, scholars shall be entitled to a certificate from said board, under the hand of said president, and attested by said clerk, that such scholar has graduated at the said school; and they shall make all necessary rules and regulations for the admission of pupils, and the government of the schools of said district; and may suspend or expel pupils guilty of refractory or incorrigible conduct, or possessed of any infectious or contagious disease, and may appoint agents and servants upon any matter conducive to the interests of said district. Graded schools.

*Seventh.* For the purpose of building a high or central school house, and other school houses and additions thereto, and repairing and improving the school houses of said district, and purchasing lots or real estate for such buildings, Expulsion of pupils.

Central school house.



Borrow money. and libraries and apparatus, it shall be lawful for said board to borrow money, at a rate of interest not to exceed ten per cent. per annum, and issue bonds therefor, in sums of not less than one hundred dollars; which bonds shall be signed by the said president, and attested by the said clerk, for and in behalf of said board: *Provided*, that the bonds issued by said board, and outstanding, shall not at any one time exceed two per cent. on the dollar of the assessed value of the real and personal property of said district; and the said board shall, prior to the second Monday of September, annually, estimate the amount of money necessary to be raised by a special tax for school purposes in said district during the ensuing year, and find what rate per cent. this amount will require to be levied, which shall not exceed two per cent. on the assessed value of the real and personal property in said district, and which rate shall be certified by the said president, and attested by the said clerk, and returned to the clerk of the county court of Kankakee county, on or before the second Monday of September, annually; and which certificate may be in the following form:

Certificate of tax We hereby certify that the board of education of Kankakee School District requires the rate of — per cent. on the dollar to be levied on the taxable property of said school district, for the year 18—, for school purposes.  
 Dated this — day of —, A. D. 18—. A. B., *President*.  
 Attest: C. D., *Clerk*.

The money thus raised shall be appropriated by the said board to the various objects for which it was intended, and shall be collected in the same manner as school taxes are collected under section forty-five of the act entitled "An act to establish and maintain a system of free schools," approved February 18, 1857, or any laws of this state that may hereafter be passed for the collection of school taxes, and shall be paid over by the collectors to the treasurer of said district.

Bond of treasurer. § 6. The treasurer of said school district, within ten days after his appointment, shall execute a bond, with two or more good and sufficient sureties, to be approved by said board, to be filed with the clerk thereof, in a penalty to be fixed by and running to said board, conditioned that he would keep, and, from time to time, pay over all moneys, upon the order of said board, that he should receive as such treasurer, and deliver over to his successor in office all books, papers, securities, property, and moneys in his hands as such treasurer, and faithfully discharge the duties of his office; and it shall be the duty of the said treasurer to receive and keep all moneys of the said board; and all moneys due said board shall be paid to said treasurer, and he shall keep a true and accurate account of the same, and of all moneys he shall pay out, in a record to be kept for that purpose, and shall pay out no moneys excepting on the order of said board, and shall retain vouchers for all moneys he shall pay out, and shall receive one per cent. upon all

Accounts of treasurer.

moneys received and paid out by him, for his services; and he shall settle with the said board at least once in each year, and oftener, if the said board shall require. All orders of said board on the said treasurer shall be signed by the president, and attested by the clerk, and shall state for what purpose given; and a minute of the same shall be made by the clerk in the proceedings of said board.

Annual report of treasurer.

§ 7. The said school district shall be entitled to receive a *pro rata* share of the state, county and township school funds, the same as given to other school districts of Kankakee county; and the said board shall require the teachers, or the principal teacher of the schools of said district, shall keep and return schedules, according to section fifty-three of the above-mentioned act, and according to any laws that may hereafter be made in this state upon said subject, amending or changing the same; and separate schedules, containing the list of scholars living in township number thirty north of range number thirteen west, in Kankakee county, and those living in township number thirty-one north of range number twelve east, in said county, shall be made for each township; and the clerk of said board shall cause said separate schedules, or copies thereof, under his hand, to be filed with the township treasurers of said townships, before the semi-annual meetings of the trustees of schools of said townships, in the months of April and October in each year, or other times that may be fixed by law for the distribution hereinafter mentioned; and said trustees of schools shall distribute to said school district a *pro rata* share of the amount of state, county and township funds, according to the number of children under twenty-one years of age, and the attendance certified in said schedules or copies, or according to any other basis upon which said funds shall be distributed, as may hereafter be fixed by law, in the same manner and proportion as made to other school districts of said townships, which shall be paid over by the said township treasurers to the treasurer of said district; and in case of any irregularities or omissions in said schedules, or the copies thereof, or neglect in not making or filing the same with said township treasurers, as aforesaid, the said trustees of schools, or other distributing officers that may be hereafter created, shall not fail to distribute to said school district its share of said funds on that account, but shall proceed to obtain a correct enumeration of children, if no enumeration has been made, and statement of such attendance upon the schools of said district, or require such enumerations and schedules, or copies thereof, to be made; and it shall be the duty of the said board to cause the said clerk to certify to the said trustees of schools of said townships, on or before the last day of September, in each year, the number of children under twenty-one years of age, and between the ages of five years and twenty-one years, living in said

Pro rata share of school tax.

Schedules.

Distribution of funds.

Schedules of children.

separate townships of said school district, and any and all other information called for under the common school law.

Qualifications of members of voters.

§ 8. No person shall be qualified to serve as a member of the said board, or to be an elector at any of the foregoing elections, unless he shall have been, for thirty days previous thereto, a resident of said school district, and a citizen of the United States, either by birth or naturalization.

When to organize.

§ 9. That the directors of schools of the different school districts now embraced within the said school district shall compose a board of education for said school district, until the election of said board next August, as above provided for; and that the said directors, as such board of education, shall assemble at the court house, in said district, on the first Monday of April next, and organize by appointing one of their number president, and another clerk of the said board; and also, shall appoint a treasurer of said district, to hold his office until the ensuing election.

Division of funds.

of § 10. The treasurers of the above-mentioned townships shall pay over to the treasurer of said district all moneys and funds belonging to the several school districts embraced within said school district; and the said school district shall pay the debts and liabilities of the said school districts embraced within said district; and the inhabitants living within said school districts so thrown in said district, but outside of the limits of said district, shall have the privilege of sending their youths and children to the schools of said district, until the first day of April, A. D. 1866; but this section is not intended to apply to those school districts where their school houses are outside of the limits of said district.

Other pupils.

§ 11. The said board of education may admit pupils from other parts of Kankakee county, and elsewhere, upon such terms and charges of tuition as they may deem proper.

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

APPROVED February 16, 1865.

In force Feb. 16, 1865. AN ACT to attach certain lands therein named to school district number two, in township one south, range four west, in Brown county.

Lands attached.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That the north half of section four, and the north-east quarter of section five, in township one south of the base line of range four west of the fourth principal meridian, in said Brown county, be and the same is hereby attached to school district number two, in said district, subject to all general laws of*

this state respecting schools and school districts, and all special legislation relating to said district.

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

APPROVED February 16, 1865.

AN ACT to incorporate the Lockport School District.

In force Feb. 16,  
1865.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That all that part of township thirty-six (36,) range ten east of the third P. M., lying within the corporation limits of the village of Lockport, together with section twenty-four, and the south-east quarter of section twenty-three, in township thirty-six aforesaid, all in the county of Will, with all the buildings and property belonging to the same, are hereby erected into a district for school purposes, under the title of "The Lockport Public School District;" said school district to have all the powers and liabilities that now belong or may hereafter belong to school districts in the state.

Bounds of district.

§ 2. The regular election of directors shall be held on the first Monday in August, annually. Vacancies may be filled in the manner prescribed by the general school law of the state. The board of directors shall choose three of [their] number to act as judges, and one to act as clerk at such elections.

Annual election.

§ 3. The board of directors shall consist of five members, three of whom shall constitute a quorum to do business: *Provided*, that the signature of the president and clerk only of the board, shall be required on all orders, vouchers, bonds or other instruments to make the same valid and lawful. *It is further provided*, that the present directors of district six, T. (36) aforesaid, (being the same district which is incorporated by this act) shall constitute the first board of directors under this act, until the first regular election is held under the same; and further, that those directors of district six, T. 36 aforesaid, having unexpired terms of office at time of holding said first regular election, shall fill the same as members of the board of directors contemplated in this act. And in addition to said directors having said unexpired terms of office, there shall be elected at said first regular election, the additional number of directors requisite to make a full board; said additional number to determine by lot, which of them shall hold his office for five years, which for four years, which for three years, and so on, so that one vacancy may occur each year, which vacancy shall be filled at each regular election.

Quorum.

Proviso.

First board.

Term of office of directors.

§ 4. The board of directors shall have power,



Powers of directors.

*First.* To build, repair, purchase or lease buildings for school purposes.

*Second.* To buy or lease sites and lots for school houses and the necessary grounds.

*Third.* To furnish schools and school houses with the necessary library, furniture, apparatus, fixtures, appurtenances and conveniences.

*Fourth.* To establish and maintain schools, and to levy and collect taxes, for the payment of teachers, and of all other necessary expenses.

*Fifth.* To establish and maintain a regular system of graded schools; to prescribe the course of study to be followed and the text books to be used; and to grant diplomas to those pupils who successfully complete the course of study adopted.

*Sixth.* To make all regulations necessary to insure thorough scholarship; to secure punctual and regular attendance; to maintain strict discipline, and to protect school houses, property and grounds from abuse or injury.

*Seventh.* To demand and receive from trustees of schools of township 36 aforesaid, and from the treasurer of said township, such portion of the interest of the school fund, and of such other funds as said district is now or hereafter may be by law entitled to receive, by delivering to said treasurer a semi-annual statement of the number of teachers, male and female, employed in said schools; of the salaries paid to said teachers; of the number of pupils, male and female enrolled, and the aggregate attendance of the same; and to furnish such other statistics as the school laws of the state may require.

*Eighth.* To admit pupils from abroad with such restrictions only as they may think expedient to prescribe.

*Ninth.* And generally have and possess the right, power and authority to make and enforce all regulations necessary for the successful management and support of said schools; and all other powers, rights and authority, which now are or may hereafter be conferred upon directors by the general school law of the state.

Annual statement.

§ 5. It shall be the duty of the board of directors, on or before the third Monday in July, annually, to publish an account of all funds received and expended, specifying the sources of such receipts and the object of such expenditures.

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

APPROVED February 16, 1865.

AN ACT to amend an act entitled "An act to establish free schools in the city of Ottawa, in the county of LaSalle," and an amendment to said act, approved February 1, 1861. In force Feb. 16, 1865.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the next election for directors of the board of education in the city of Ottawa, shall be held on the third Monday in March, one thousand eight hundred and sixty-six, at which election there shall be elected by the legal voters of said city, one director of said board of education for each ward of said city, who shall hold said office for the term of one year from and after his said election, and until his successor in office shall be elected and qualified; and that, annually after said election, there shall be elected in like manner, one director of said board of education, in each ward of said city. Election of board

§ 2. Each of said directors of said board of education shall be a resident of the ward in which he is elected; and if any of said directors of said board of education shall at any time during his said term of office remove from the ward in which he was elected, his office shall become vacant, and in such case the city council may order an election in such ward to fill the vacancy so caused as aforesaid. Vacancy.

§ 3. Said election for directors of said board of education shall be held at the same time and in the same manner as is now provided by the charter and ordinances of said city of Ottawa, for the election of mayor and aldermen. Election.

§ 4. The present directors of said board of education whose unexpired term of office runs until the first Tuesday in March, A. D. 1866, shall constitute the board of education of the city of Ottawa until the directors provided by this act to be elected on the third Monday in March, A. D. 1866, shall be elected and qualified. Directors holding over.

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

§ 6. All prior acts and parts of acts in conflict with this act are hereby repealed. Acts repealed.

APPROVED February 16, 1865.

AN ACT to amend former laws as to Pittsfield School District in the county of Pike and state of Illinois. In force Feb. 16, 1865.

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 voters who are entitled by law to vote for school directors in said school district, at the first election for said directors after the passage of this law, and at each annual election thereafter, an assessor of property for said school district, who may, and whose duty it shall be District assessor

Returns of as-  
essments.

Collection of tax

Pay of assessor.

Interest tax.

Borrow money.

to assess the property in said school district at the same time and upon the same ratio or mode of assessment, and upon all and every description of property as now required by existing laws, or as may be required by laws of the state in future; and in a well made book or roll, to make return in writing of said assessment at the same time that assessors of townships are required by law to make like returns to the county clerk of said county; and said county clerk shall carry or set down said assessment in the books of, and for the several collectors of revenue for each township of which said district is in part composed; and said clerk and the collectors of townships, and the treasurer of said county, are, for the purpose of collecting said taxes so assessed, to proceed in all other respects as now or hereinafter provided by the general laws of the state, this section being passed to enable an equal and fair assessment in all parts of said school district. The school directors aforesaid, shall pay said assessor at the rates now or hereinafter provided for township assessors, and shall pay the said county clerk for such extra work as he is required by this section to perform.

§ 2. Said directors are hereby required, from time to time, annually, to raise by taxation, funds to pay the interest on all indebtedness of said district; and when bonds are about to fall due, to raise funds in like manner to pay the principal thereof.

§ 3. Said school directors, for the purposes indicated in former laws, are hereby empowered on the same terms and conditions expressed in former laws, to borrow on the sale of bonds of said township (in sums of not less than fifty dollars,) not exceeding ten thousand dollars, (in addition to the amount heretofore authorized to be issued or borrowed) at not more than ten per cent. interest, and for not exceeding twenty years, and may issue bonds therefor.

§ 4. *It is further enacted*, That said directors shall not sell or issue bonds at less than par rates, for any purpose.

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

APPROVED February 16, 1865.

In force Feb. 15, 1865. AN ACT in relation to school district No. 5, township 38, range 8, county of Kane, and state of Illinois.

Borrow money.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That the school directors of district No. 5, township No. 38, county of Kane, and state of Illinois, are hereby authorized and empowered to borrow money, not exceeding fifty thousand

dollars in all, for the purpose of erecting, completing and furnishing a new school house for said district, upon their new school house site, and to issue bonds or other evidence of indebtedness therefor, in such sums and payable at such times, not exceeding twelve years, as they shall deem best, and bearing any rate of interest not exceeding ten per cent. per annum; also may issue bonds and sell and dispose of the same, at not less than their par value. Said school directors shall have power to levy, or cause to be levied, on the taxable property of said district, a tax, not exceeding one and one-half per cent. per annum, for the purpose of paying such indebtedness until the same shall be fully paid.

Issue bonds.

§ 2. The school directors of said district shall have power to appoint an additional officer for said district, to be styled "Superintendent of the Public School," who, under the direction of said directors, shall have the general supervision of the public school or schools of said district, whose duties and compensation may be prescribed by said board of directors, who shall hold his office for one year, and be liable to removal by the vote of a majority of said board.

Superintendent of schools.

§ 3. The board of directors of said district shall have power to maintain, support and carry on public schools therein, for as many months in the year not less than six months, as they may deem proper.

§ 4. That the action of said district in the selection and purchase of their new school house site on block 21, town of Aurora, and block 7, Roots' addition, and the erection of a school house thereon, are hereby legalized.

Acts legalized.

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

APPROVED February 15, 1865.

AN ACT to legalize the action of the school directors of district number one (1,) in township number twenty-five (25,) county of Tazewell, and state of Illinois, and to authorize the school directors of said district to borrow money, and issue bonds therefor, for the completion of a school house in said district.

In force Feb. 16, 1865.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the election held in the year A. D. 1864, in school district number one (1,) in township number twenty-five (25,) north, range five (5) west of the 3d principal meridian, in Tazewell county, and state of Illinois, for the purpose of selecting and determining upon and purchasing a school house site, for the use of said district; and the election held in said district in the year A. D. 1864, for the purpose of authorizing and empowering the school directors of said district to

Acts legalized.



borrow money and issue bonds therefor, for the purpose of erecting a school house for the use of said district, upon said site, are hereby declared to have been legally held and valid, and binding upon said district, for the purposes aforesaid; and the bonds now issued, or hereafter to be issued, to the amount authorized to be borrowed at such election, are hereby declared to be legally issued; and the said school directors are hereby authorized and empowered to levy and collect annually a tax upon the taxable property of said district, not exceeding in any one year, one dollar upon each one hundred dollars of assessed valuation, until the principal and interest annually accruing thereon of the said bonds be paid.

Annual tax.

Borrow money.

§ 2. To complete the school house in process of erection, upon the site so selected and purchased, the school directors of said district are hereby authorized and empowered to borrow, in addition to the amount legalized by the preceding section of this act, such sum as may be necessary for that purpose, not exceeding the sum of twenty thousand dollars (\$20,000,) and to issue bonds therefor at not less than par value, in amounts, not less than one hundred dollars each, payable in any time not exceeding fifteen years from their date, with interest, payable annually at a rate not exceeding ten per cent. per annum; and to pay the principal of the said bonds as the same become due, and the interest thereon as the same accrues. The said school directors are hereby authorized and empowered to levy and collect annually a tax upon all the taxable property of said district of not exceeding, in any one year, two dollars upon each one hundred dollars of assessed valuation, until the amount so borrowed, with the interest thereon, is wholly paid.

Rate of tax.

Amount of tax to be levied.

§ 3. The school directors of said district shall, each year, until the sums authorized to be borrowed in the first and second sections of this act, with the interest thereon, are fully paid, in the manner and at the time now required by law, certify to the county clerk of Tazewell county, Illinois, the rate of tax required to be levied and collected, for the purposes mentioned in said first and second sections, which tax shall be extended and levied and collected and paid over in the manner now required by law in case of taxes for school purposes; and the fund thence arising shall be set apart, and kept separate, and applied solely to the purposes for which the same was collected.

§ 4. This act shall be in force from and after its passage.  
APPROVED February 16, 1865.

AN ACT to regulate the renting and sale of the school section in town thirty-eight (38) north, range thirteen (13) east. In force Feb. 16, 1865.

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 trustees of schools in township thirty-eight (38) north, range thirteen (13) east, with the approval of the school commissioner, to rent any portion of the school section in said township, for a term of not exceeding five (5) years; but no part of the same shall be sold save upon the petition of at least one hundred (100) freeholders of the township. School lands may be rented.

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

APPROVED February 16, 1865.

AN ACT to establish a corporation in Sparta School District for the purpose of public education. In force Feb. 16, 1865.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That all persons residing within the limits of Sparta school district, a description of which is as follows, viz: Beginning at the north-west corner of section two and running east along the township line between towns four and five south to the north-east corner of town five, south range six west, thence east on said line to the north-east corner of section six of town five south of range five west, thence south between sections five and six of town five, range five, west one mile, thence south between sections seven and eight of town five of range five west, one half mile, thence west through the center of section seven one mile to range line between range five and six, thence west through center of section twelve, town five, south range six west to line between sections eleven and twelve of town five, south range six west, thence west to the center of section eleven, town five, south range six west, thence north through the center of sections eleven and two to the center of section two, thence west one half of a mile to the line between sections two and three, thence north to the place of beginning, south of the third principal meridian, in Randolph county, state of Illinois, as the same now are or hereafter may be established by law, are hereby constituted a body politic and corporate by the name and style of "The Board of Education of the Sparta Public Schools," and by that name they and their successors shall be known in law, have perpetual succession, sue and be sued, implead and be impleaded, defend and be defended, in all courts of law and equity in all actions whatever; may purchase, receive and hold property, real and personal, and Limits of district.  
Name and style.  
Powers.

may lease, sell or dispose of the same, and may do all other acts as natural persons; they shall have a common seal, and may change and alter the same at pleasure.

- Powers, vested.** how § 2. The powers of the corporation hereby established shall be vested in a president and directors, who shall be freeholders, at least twenty-one years of age, and have resided at least twelve months previous to their election within said corporation limits, and who shall be citizens of the United States and have paid a school tax, and who shall be chosen and appointed as hereinafter directed.
- Election board.** of § 3. The board of education shall consist of six members, and the first election shall be held on the last Monday of March, eighteen hundred and sixty-five, and it shall be the duty of the mayor and common council of the city of Sparta to order an election for said six directors of the board of education of the Sparta public schools at some convenient place in the city of Sparta, and said mayor and common council shall appoint three judges and two clerks to conduct said election; which election shall be conducted under the same usages as the election of mayor and council of said city of Sparta; and said judges and clerks shall make certified returns of said election to said mayor and common council, who shall open and declare the result of said election; and the clerk of said city of Sparta shall notify in writing, within five days after said election, said directors of their election; and thereafter the election of school directors shall be held by the same judges and on the same day, and at the same time and places as the election of mayor and common councilmen of the city of Sparta; and the judges and clerks shall make certified returns of the same to the board of education, who shall open the same and declare the result; and no person shall vote in choice of said directors who is not a legal voter under the laws of this state, and has resided sixty days previous to said election within said corporate limits.
- Judges and clerks of election.**
- Returns of election.**
- Time of election.**
- President board.** of § 4. The board of directors shall elect one of their own number president, who shall be styled "the president of the board of education of the Sparta public schools," and the said board of education shall have power to judge of the qualifications, elections and returns of its members; to prescribe the manner of conducting the elections of its members in the several places of said elections; to compel the attendance of absent members in the meetings of said board, and by the concurrence of two-thirds of all the members elected expel a member, but not a second time for the same offense; to make rules for the government of their own proceedings, and so have charge and control of the public schools and all property appropriated to the use of public schools within the said corporate limits.
- § 5. Said board of education may receive any gift, grant, donation, devise, bequest, legally made for the use of any

school or schools, or libraries or other school purposes, within their jurisdiction; and they shall be and are hereby invested in their corporate capacity with the title, care and custody of all school houses, school sites, school libraries, apparatus and other property belonging or appertaining to the common schools of said corporate limits, with full power to control the same in such manner as they may think will promote the interest of the schools and the cause of education; and when, in their opinion, any school house or school house site has become unnecessary, or inconvenient or unsuitable for a school, said board may sell and convey the same in the name of the said board, and such conveyance, as well as all other conveyances, contracts and assignments of the board, shall be executed by the president and clerk of the said board in the name of the board of education of the Sparta public schools; and the avails of all sales and assignments shall be paid to the treasurer of said board for the benefit of said schools; and all conveyances of real and personal estate, and assignments of choses in action which may be made to said board, shall be made to said board in its corporate name; and said board may purchase and hold such real estate and personal property as may be necessary for the establishment and support of said schools; and such real estate as may be purchased under any sale upon execution or decree in favor of said board or in satisfaction of any debt due said board; and said board may at any time afterwards sell and convey the same; and said board shall have power to make all rules, ordinances and statutes proper for the government and management of such schools and property: *Provided*, that the same shall not be inconsistent with the laws of the land; and generally to do all acts which may be lawful and proper to carry into effect the objects of this corporation.

Conveyances,  
how made.

By-laws.

§ 6. It shall be the duty of the board of education to cause an abstract of the whole number of white persons under twenty-one years of age in said corporate school limits to be furnished to the school commissioners, or other proper officers, before the first Monday in October, and annually thereafter; and the school commissioner, or other officer, as aforesaid, shall annually pay to the treasurer of said board of education the proportion of the public school fund, to which said corporate district would be entitled, according to the number of white persons aforesaid under the age of twenty-one years, and shall take duplicate receipts of said treasurer therefor, one of which shall be retained, and the other shall be filed with the clerk of said board.

Annual abstract  
of scholars.

School houses  
and sites.

§ 7. For the purpose of building school houses, purchasing school house sites, or for repairing and improving the same, it shall be lawful for the board of education of said Sparta public schools to borrow money at a rate of interest not to exceed ten per cent. per annum, and issue

Borrow money.



Proviso.

bonds therefor, in sums not less than fifty dollars, which bonds shall be executed by the president and clerk of said board in the name of said board of education: *Provided*, that the total indebtedness incurred by the said board of education shall not at any time exceed one half of one per centum of the assessed value of the real and personal property of said corporation; and for the payment of said bonds the proceeds of the tax to be levied and collected for school purposes for the year next ensuing the issuing of said bonds is hereby specially pledged, and said tax shall be applied to the payment of said bonds in preference to any other debt.

Graded schools.

§ 8. Said board of education shall establish a system of graded schools in said corporate school limits, commencing with the primary and ending with a high school; the district of which shall be the corporation limits, hereby established; but the district of all the lower grades may be fixed by said board of education; and the school year shall consist of forty-two weeks, commencing on the first Monday of September, and said school year shall be divided into three terms. The time of commencing and closing each succeeding term to be determined by the president and directors. The remainder of the year shall consist of vacations. The fiscal year shall correspond with the school year.

Term of board.

§ 9. The members of the board of education shall be elected for the term of three years, and until their successors shall be duly elected and qualified; and one-third of the members shall go out of office at the end of every year; and for that purpose the board shall cause its members to be divided by lot into three equal classes, the first class to go out of office at the end of one year, the second at the end of two years, and the third at the end of three years, so that one-third of the board shall be elected every year.

Classes.

Annual tax.

§ 10. The said board of education shall annually, on or before the first Tuesday of April in each year, levy on all real and personal property within said corporate limits, made taxable by law, for state and county purposes, a tax, not more than ten mills on the dollar, and shall fix and determine what shall be the rate per cent. of taxation for each year for school purposes, and shall make an order therefor and enter the same on the records of the board; and the said board shall immediately furnish the collector of Randolph county with a copy thereof, certified to by the president and clerk, which being done, said collector shall take the assessment made by the assessor of Randolph county within said corporate limits of Sparta public schools as laid down in section one of this act, and from said assessment, is hereby authorized to make a tax list in pursuance of and for the purpose in this act mentioned, and shall proceed to collect the same for school purposes, in accordance with said order; and said amount, when collected, shall be paid by said officer to the treasurer of said board of education, and

duplicate receipts taken therefor, one of which shall be filed with the clerk of said board of education, and the other retained by said collector; and for his compensation for such collection shall receive the same per centum as he is allowed by law for collection of state and county revenue, and for neglect of duty under this act, shall be liable to and suffer the same penalties as for neglect in the collection of state and county tax; and the board of education of Sparta public schools may require the said collector of Randolph county, before he enters upon the duties imposed upon him in this act, to enter into bond in such amount as they shall deem sufficient, with good and sufficient security, to be approved by said board of education, conditioned for the faithful performance of the duties as collector of said tax in this act specified.

Pay of collector.

§ 11. Said board of education shall have power to allow the children of persons, not residents in said corporate limits, to attend the schools of said corporation under the control and care of said board, upon such terms as said board shall, by resolution, prescribe, fixing the tuition which shall be paid therefor; and said board shall have power to furnish to all children, who cannot otherwise obtain the same, all necessary school books, using any of the school funds for said purpose.

Nonresident children.

Free books and tuition.

§ 12. No director of said board of education of the Sparta public schools shall receive any compensation for duties as such.

Directors receive no pay.

§ 13. It shall be the duty of the clerk of said board, immediately after the election of any person as director of Sparta public schools, in writing to notify him of his election, and if any such person shall not within ten days after receiving such notice of his election, take and subscribe the required oath, and file the same with the clerk of said board, the said board shall consider it as a refusal to serve, and order an election to fill said vacancy.

Notice of election.

§ 14. Said board of education shall employ a treasurer and secretary, and such other agents as to them shall seem necessary, and shall allow them such compensation as may be agreed upon; and the said board shall require their treasurer to enter into such bond for the faithful discharge of his duties under this act, as shall protect the monied interest of said school corporation.

Officers and agents.

§ 15. Said board of education shall take control of the education of the colored citizens within said corporate limits, and may establish a colored school, and for the support of such school shall apply the local school tax collected on the property of the colored citizens within the limits of said corporation, and may receive any money or moneys that may be contributed for the benefit of said colored schools, and apply the same to the support of said schools; and they may receive and apply any funds that may be allowed by

Tax for colored school.

the state or general government, for the education of colored people.

Statement  
of schools.

§ 16. Said board of education shall, if required to, furnish to the state superintendent of public instruction, or if required, lay the same before the general assembly, a full statement concerning the schools under their charge, and shall in all respects comply with the requirements of the seventy-ninth section of the common school law.

By-laws.

§ 17. Said board of education may make such by-laws, rules and regulations, as are necessary to the exercise of the foregoing powers.

Schools organ-  
ized.

§ 18. Said board of education shall, immediately after their election, proceed to take charge of and organize the public schools of said corporate limits, in accordance with the requirements of this act.

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

APPROVED February 16, 1865.

In force April 8, 1865. AN ACT to consolidate certain school districts in township one south, range twelve west, in Wabash county, Illinois.

Districts united

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That school districts numbers one and two, and Union school districts numbers one and two, in township one south, range twelve west, in Wabash county, be and they are hereby consolidated into one school district, to be known and described as district number one, in township one south, range twelve west, in Wabash county

Funds, how used

§ 2. All funds belonging to or now in process of collection from taxes already levied, are to be used and expended in defraying the debts and expenses of the district in which they are now owned or being collected, and if all said funds are not needed for said purpose, the surplus shall be used and expended in improving, repairing and beautifying the school house in the district for which they were collected.

Election.

§ 3. The first election for directors in the district hereby created, shall be held on the first Monday in the month of May, 1865, until which time the directors now serving in said districts shall continue to serve, and the treasurer of said township shall give notice in the same manner and time as is given by school directors for other district elections.

§ 4. This act shall take effect and be in force from and after the 8th day of April, 1865.

APPROVED February 16, 1865.

AN ACT to regulate the renting and sale of the school section of town In force Feb. 16,  
thirty-eight (38) north, range thirteen (13) east. 1865.

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 trustees of schools in township thirty-eight (38) north, range thirteen (13) east, with the approval of the school commissioner, to rent any portion of the school section in said township for a term of not exceeding five (5) years, but no part of the same shall be sold, save upon the petition of at least one hundred (100) freeholders of the township. School lands  
may be leased.

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

APPROVED February 16, 1865.

AN ACT to repeal an act entitled "An act to change a school district therein named," approved February 21, A. D. 1861, and to create a new school district. In force Feb. 16, 1865.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That an act denominated "An act to change a school district therein named," approved February 21, A. D. 1861, be and is hereby repealed, and the same be made and declared a part of district 6, 7, 2, south, range 9 west, of said county. Act repealed.

§ 2. *And be it further enacted,* that the inhabitants residing in township number two (2) south of range nine (9) west of the third principal meridian, in the county of Monroe, and state of Illinois, within the following boundaries, to wit: Beginning at the south-east corner of section thirty-two (32), township two (2), south of range nine (9) west, thence running north to the north-east corner of section twenty-nine (29), thence west one hundred and sixty (160) rods, thence north one hundred and sixty (160) rods, thence west one hundred and sixty (160) rods, thence south-west on the Belleville and Waterloo county road to the north-west corner of section thirty (30), thence south to the south-west corner of section thirty-one (31), thence east to the place of beginning, be and the same is hereby created a school district, with all the rights and privileges which other districts under the school law of this state may exercise and possess. Boundaries of  
school district.  
  
Rights and privi-  
leges.

§ 3. That the inhabitants of said school district, upon giving ten days' notice of the time and place of holding an election, shall elect three school directors, on or before the first day of August, A. D. 1865, who shall hold their office and discharge the duties of school directors of said district for one year, and until their successors are elected and qual- Election of di-  
rectors.



Provido.      ified as the general school laws of Illinois provide: *Provided*, that all subsequent elections for school directors be held and lots for service be drawn in conformity with said general school law.

Secretary of      § 4. This act to be in force from and after its passage,  
state to certify.      and that the secretary of state certify a copy hereof to the clerk of the county of Monroe upon its passage.

APPROVED February 16, 1865.

In force Feb. 16, 1865, AN ACT to create a school district in the town of Decatur, Illinois, to be known as "The Decatur School District"

Limits of school      SECTION 1. *Be it enacted by the People of the State of*  
district.      *Illinois, represented in the General Assembly*, That all of sections one, two, three, eleven, twelve, thirteen, fourteen, fifteen, and the north half of sections twenty-two, twenty-three and twenty-four; and also, the north half of the south half of said sections twenty-two, twenty-three and twenty-four, all in township number sixteen north, of range number two east of the third principal meridian, is hereby constituted a school district, to be known as "Decatur School District."

Board of educa-      § 2. The government of said district for school purposes  
tion.      shall be vested in a board of three persons, to be styled the board of education of Decatur school district, and to be elected, qualified and organized as hereinafter provided.

Election.      § 3. There shall be elected by the qualified voters of said district, on the first Tuesday of April next, three persons, who shall constitute said board, and hold their office for one, two and three years, and until their successors shall be elected and qualified. At their first meeting, they shall draw lots for their respective terms of office, for one, two and three years. And thereafter on the first Tuesday of

Annual election.      June, annually, there shall be an election for the purpose of electing one member of said board, who shall hold his office for three years and until his successor is elected and qualified. All vacancies in said board shall be filled at said annual election, except as hereinafter provided. The meetings for said elections shall be notified by the president of the board, by giving at least ten days' notice of the time and place, by publishing a notice thereof in one or more of

Vacancy.      the newspapers of the city of Decatur. Two of the mem-  
Notice of meet-      bers of the board shall act as judges, and one as clerk of  
ings.      said election; but if said members shall fail to attend, or refuse to act when present, the legal voters, when assembled, shall choose three of their number to act as judges, and one as clerk of said election. The said judges and

Judges and      clerks of elec-  
tion.

clerk shall take and subscribe to the same oath as is prescribed for judges and clerks of elections by the election laws of the state. After every election of members of the board, the judges shall cause the poll book to be delivered to the clerk or president of said board of education, with a certificate thereon, showing the election of said members of the board, and the names of the persons elected; which poll book shall be filed by the clerk, and shall be evidence of said election. In case of a tie in any election, the same shall be decided by lot, by the judges of election on the day of election. If between the times of the annual elections, any vacancies shall occur in said board by death, resignation or removal from the limits of said district, the remaining members shall fill the vacancy by appointment; and the person so appointed shall hold the office until the next annual election, and until his successor shall be elected and qualified. The members of said board shall severally take an oath to discharge the duties of their office to the best of their knowledge and ability.

Tie vote.

Vacancies.

§ 4. The said board of education shall be a body corporate and politic, by the name and style of "The Board of Education of Decatur School District," and may have a common seal, and change the same at pleasure; and as such may contract and be contracted with, sue and be sued, plead and be impleaded in and before any tribunal having competent jurisdiction.

Name and style.

Powers.

§ 5. It shall be the duty of said board to hold quarterly sessions on the second Tuesday of April, July, October and January of each year, and they may meet by adjournment, at such other times as they may think proper; and the president of the board, or any two members thereof, may call a special meeting of the board, by giving a verbal notice of the time and place and object thereof, or leaving a written notice thereof at the residences of all the other members of the board; and at all the meetings a majority of the board shall be a quorum to transact business. Said board shall organize by appointing one of their number president; they shall also elect a clerk, who may be a member of the board, and treasurer, who shall not be a member of the board, who shall hold their respective offices during the pleasure of the board, and until their successors shall be elected and qualified. It shall be the duty of the president, when present, to preside at all meetings of the board; and it shall be the duty of the clerk to be present at said meetings, and to record in a book to be provided for that purpose, all the official proceedings of said board, which record shall be public and open to the inspection of any person interested; and all said proceedings when recorded, shall be signed by the president and clerk; and a copy thereof, certified by the clerk, shall be *prima facie* evidence of such proceedings in courts and other places. If the president or clerk be absent

Quarterly sessions.

Special meetings

Officers.

Record of acts.

the board may appoint a president or clerk *pro tem.* The treasurer shall execute to said board an official bond, with good and sufficient securities, such bond to be approved by the board, in such sums as the board shall determine, but to be, as nearly as can be ascertained, in double the amount of all moneys that will at one time be in his hands, and conditioned for the performances of his duties as treasurer, and especially faithfully to keep, and from time to time, pay over all moneys that he shall receive as such treasurer, as he shall be directed by order of the board, or required by law to do; he shall keep a true and accurate record, in proper books for that purpose, of all moneys received and paid out by him, for what purpose and upon what and whose account; but he shall pay out no money except upon order of the board; for all moneys paid out he shall take and file, with the papers of his office, proper vouchers, and he shall settle his accounts with the board, at least once in each year, and oftener if the board should so require.

No pay to members, unless extra.

§ 6. No member of the board shall receive any compensation for his attendance at the meetings of the board, nor for the performance of its ordinary duties, but for extraordinary services, reasonable compensation may be allowed, the board to determine what are extraordinary services, and the compensation therefor. The secretary and treasurer shall receive such compensation as the board shall prescribe.

§ 7. The treasurer shall, under the direction of the board, demand and receive of the officer or officers having the custody thereof, any interest or other money from any school fund or any other source, to which the Decatur school district, or any part thereof, or the schools or the teachers therein would be entitled if this act had not been passed; and the money so received from such funds or sources, shall be placed in the treasury to be used and expended, under the order and direction of the board, for the support of schools and for school purposes in the same manner as other funds that shall come into the treasury by taxation or otherwise.

Distribution of funds.

§ 8. The said Decatur school district shall be exempt from the jurisdiction of trustees of schools in the township in which said Decatur school district is located, so far as common schools are concerned; and the school commissioner of Macon county, shall in the distribution of the school funds that may come into his hands, apportion so much of the school fund as said Decatur school district may be entitled to upon a *pro rata* distribution of said funds among the several townships of said county, to the said Decatur school district, and upon the filing of the bond of the treasurer of the said board of education, the said school commissioner shall pay over to the said treasurer the amount due said district. All taxes levied in accordance with the

School taxes.

provisions of this act, shall be paid over by the officer collecting the same, to the treasurer of the board of education; and said board of education shall have the entire and exclusive control of all school funds of said Decatur school district, or any part thereof, whether consisting of the portion of the school, college, seminary or township fund, belonging and to belong to said district, or any part thereof, or derived from taxation, loans or otherwise, to be used by them as provided in this act; and they may receive any gift, grant, donation, devise, bequest or legacy, made for the use of any school or schools, or library or other school purposes, within their jurisdiction; and they shall be and are hereby invested in their corporate capacity, with the title, care and custody of all lands, lots, school houses, school libraries, apparatus and other property belonging or appertaining to the common schools of the district, or any of them, or which may be within their jurisdiction, with full power to control the same in such manner as they may think will promote the interests of schools or the cause of education, and not inconsistent with the provisions of this act; and when in their opinion, it may be for the interest of said district to sell any lot or tract of land or building, belonging to said district or any part thereof, said board may sell and convey the same in the name of the board; and such conveyance, as well as all other conveyances, contracts and assignments of the board, shall be executed by the president and clerk of the board of education of Decatur school district, and the moneys of all sales and assignments shall be paid to the treasurer of the board, for the benefit of schools; and all conveyances of real and personal estate and assignments of choses in action which may be made to said board, shall be made to said board in its corporate name; and said board may purchase and hold such real estate and personal property as may be necessary for the establishment and support of schools, and such real estate as may be purchased under any sale upon execution or decree in favor of said board, or in satisfaction of any debt due the said board, and at any time thereafter may sell and convey the same.

May sell lands.

§ 9. For the purpose of erecting school houses, purchasing school house sites, or repairing or improving the same, or purchasing libraries or apparatus, it shall be lawful for said board to borrow money at a rate of interest not exceeding ten per cent. per annum, and issue bonds therefor, in sums of not less than one hundred dollars; which bonds shall be executed by the president and clerk of said board in the name of the board: *Provided*, that the bonds issued by said board and outstanding, shall not at any time, exceed one per centum of the assessed value of the real and personal property of said district.

Borrow money.

Provido.

§ 10. Said board may also, at any time when they may deem it necessary, borrow any sum or sums of money for a



time not exceeding one year, and at a rate of interest not exceeding ten per cent. per annum, to be expended for general school purposes: *Provided*, that the total amount of moneys so borrowed and unpaid, shall not at any time exceed one-half of one per centum of the assessed value of the real and personal property of said district. And for the payment of the moneys so borrowed, the proceeds of the taxes first paid into the treasury thereafter, and not specially appropriated by law, are hereby specifically pledged and shall be applied in payment of the sums so borrowed, in preference to any other debts.

**Judgments as** § 11. If any judgment shall be obtained against said  
**board.** board, the party entitled to the benefit of such judgment, may have execution therefor, as follows, to-wit: it shall be lawful for the court in which such judgment shall be obtained, or to which such judgment shall be removed by transcript or appeal from a justice of the peace or other court, to issue thence a writ, commanding the board of education and treasurer of said district, to cause the amount thereof, with ten per cent. interest and costs, to be paid to the party entitled to the benefit of said judgment, out of any moneys unappropriated of said district, and if there be no such moneys, out of the first moneys that shall be received for the use of said district; and to enforce obedience to such writ by attachment or by mandamus, requiring said board to levy a tax for the payment of said judgment; and all legal process, as well as writs to enforce payment of a judgment, shall be served either on the president or clerk of said board.

**Annual tax** § 12. Said board shall, on or before the fifteenth day of August in each year, cause to be raised by taxation, for school purposes, including the payment of any debts due, or during the ensuing year to become due from said district, such an amount as they shall estimate will, together with the available means accruing from other sources, be required for school purposes in said district for the ensuing year; and shall determine, as nearly as practicable, what rate per cent., not to exceed one per cent., unless the debts to be paid require it, on all the taxable property in said district, must be levied to raise the amount so estimated, and shall make an order therefor; and the clerk shall enter the same upon the records of the board. It shall be the duty of the clerk of said board to make out a certified copy of said order, signed by the president of the board and attested by the clerk, and within ten days from the passage of said order, present the same to the clerk of the board of supervisors of Macon county. The tax so levied by the said board of education, shall be assessed and collected in the same manner and at the same time and by the same officers that state taxes are assessed and collected within the limits of said district, and the proceeds paid to the treasurer of said board of educa-

**Assessments and  
collection of tax**

tion, after deducting therefrom one-half the per centage allowed for assessing and collecting state taxes.

§ 13. The said board of education shall transact all business which may be necessary in relation to common schools in said district: Duties of board.

*First.* They shall establish a sufficient number of common schools for the education of every person residing in said district over the age of six years and under the age of twenty-one years; and shall make the necessary provisions for continuing said schools in operation at least nine months in every year, except the first year after the organization under this act.

*Second.* They shall cause suitable lots of ground to be procured, and suitable buildings to be erected, purchased or rented for school houses, and shall supply the same with fuel, furniture and apparatus; and may cause said buildings and other property to be insured; and shall make all other provisions, relative to schools, which they may deem proper.

*Third.* They shall exercise general supervision over the common schools of the district, and shall, by one or more of their number or by their agent or agents, visit each one of said common schools, at least once a month, while they are in operation.

*Fourth.* They shall appoint all the teachers of said common schools, establish rules respecting their qualifications and how the same shall be determined, fix the amount of the salary or compensation of its teachers, and may dismiss any teacher at any time.

*Fifth.* They may direct what branches of learning shall be taught and what books shall be used in each school.

*Sixth.* They shall have power to establish schools of different grades, and the rules and regulations for the admission of pupils into the same, having regard to the qualifications of the pupils; and they may suspend or expel from the schools any pupil found guilty, on a full examination and hearing, of refractory or incorrigible bad conduct.

*Seventh.* They may lay off and divide said Decatur school district into local districts, and from time to time, alter the same, or create new ones as circumstances may require.

*Eighth.* They may appoint a board of three persons in each local district, to be denominated district directors, and prescribe by established rules and regulations the powers and duties of such directors, and remove them at their pleasure.

*Ninth.* They may appoint such other officers, committees or agents, as they shall deem best and most conducive to the well being of the schools and of school education in said Decatur school district.

*Tenth.* And generally they shall have and possess all the rights, powers and authority necessary for the proper management of the schools and the school funds, with the power

to make all such rules, orders and ordinances as they may deem necessary to carry their powers and duties into effect, and perfect a good system of public instruction and common schools in said district.

Teachers' schedules.

§ 14. The several teachers of said public schools shall keep schedules of the pupils attending the schools, as is now required or may hereafter be required of teachers of schools by law; and the said board of education shall make returns and report to the state superintendent of public schools or other proper officer, on all such matters and things as are or shall be required by law, and the direction of such superintendent or other proper officer of any county or township officer, and shall make such other reports as persons having the control of public schools are or may be required to make by virtue of any law of this state.

Annual report.

§ 15. Said board shall, at the end of each year of their term of office, cause to be prepared and published in one or more of the newspapers published in the city of Decatur, a statement exhibiting the condition of schools for the preceding year, which statement shall be substantially as follows, viz:

*First.* The whole number of schools which have been taught in said year.

*Second.* What number of teachers have been employed in each school, stating the name of each teacher, the time employed and the compensation paid.

*Third.* The whole number of scholars in all the schools, giving the number of males and females in each school separately, and the average number in attendance.

*Fourth.* The amount of all the funds received into the treasury during the year, and the sources from whence it was received, stating the amount received from each source.

*Fifth.* The amount paid out for salaries, rent, fuel, furniture, etc.

*Sixth.* The amount and kind of unexpended funds on hand at the end of the year.

*Seventh.* A statement of the total amount received and the total amount paid out for school purposes during the year.

Lands annexed to district.

§ 16. All of the territory which, at the time of the passage of this act, or at any time hereafter, may be embraced in the corporate limits of the city of Decatur, shall be included and constitute a part of Decatur school district, and any tract or tracts of land adjoining said districts may be annexed to it, on condition that three-fourths of the legal voters residing within the limits of such tract or tracts shall petition the board of education to be annexed to said district, and that their petition shall be granted by the unanimous vote of all the members of said board; whenever any territory shall be so annexed to and become a part of said district, all the provisions of this act shall be applicable to it in the same manner as they would have been if it had been

embraced within the district at the time of the passage of this act.

§ 17. For any neglect or failure by the said board of education, or of any member thereof, to fulfill the duties required of or imposed upon them by any of the provisions of this act, they shall be liable to a penalty of fifty dollars, to be recovered in an action of debt, at the suit of any person who may complain; and any member of said board who shall appropriate to his own use any of the funds that may come to his hands, or under his control, belonging to said district for school purposes, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined in any sum not exceeding five hundred dollars, and imprisoned in the county jail not exceeding one year.

Penalty for failure in duty.

§ 18. The provisions of the last preceding section shall be held to apply to the clerk, treasurer, or any other officer or agent elected or appointed in pursuance of this act.

Conflicting acts repealed.

§ 19. All prior acts or parts of acts inconsistent with the provisions of this act, are hereby repealed, and any act of the general assembly now in force or hereafter enacted, shall not be construed in any manner to repeal, alter or change any of the provisions of this act, unless such act shall specifically provide for such repeal, alteration or change.

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

APPROVED February 16, 1865.

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AN ACT to legalize a certain tax levied by the school directors of school district number three, in township thirty-four, in Grundy county. In force Feb. 16, 1865.

SECTION. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That a certain tax levied by the directors of school district number three, in township thirty-four, in Grundy county, in this state, during the years 1858 and 1859, or either of them, for the purpose of building a school house, and for other purposes, be and the same is hereby legalized; and the said directors are hereby authorized to cause the said tax to be collected in the same manner as other taxes are collected.

Tax legalized.

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

APPROVED February 16, 1865.



In force Feb. 16, 1865. AN ACT to change the boundaries of school district No. 3, in township two north, range ten west, in St. Clair county.

Boundaries of  
school district.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That all of surveys No. 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, and 75, and the one-half (the northwesterly end) of surveys No. 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105 and 106, be and the same are hereby attached to and shall hereafter form a part of school district No. 3, in township two north, range ten west, in St. Clair county.

This act to take effect from and after its passage.

APPROVED February 16, 1865.

In force Feb. 16, 1865. AN ACT enabling school directors of a school district therein named to manage and control the school property of said district.

May sell lots.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the school directors of district number one (1), in township number fourteen (14) north, range four (4) east of the fourth (4) P. M., in the county of Henry, and their successors in office, or a majority of them, shall have the power and are hereby authorized at any time after this act shall become a law, to sell and dispose of for the benefit of said school district, lots number (4) and (5) four and five in block number six (6) in the original town of Galva, said county, and the appurtenances thereto belonging, being the same premises now used by said district for school purposes, and to apply the proceeds thereof to the purchase and erection of other school property; and it is hereby made the duty of the trustees of said township to make conveyance in pursuance of such sale of said school district, their successors, or a majority of them to the purchaser or purchasers thereof.

College  
vested in park  
trustees.

§ 2. The title to the public square in said town of Galva, known as "College Park," is hereby vested in the trustees of the said township of Galva for the school purposes of said district No. one (1), in said township, and the directors of said district, their successors, or a majority of them, are hereby authorized and empowered to appropriate the same or so much thereof as they may deem necessary for the erection of school buildings for said district, and for school grounds thereunto belonging.

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

APPROVED February 16, 1865.

AN ACT to establish union school districts in Akron and Hollock townships, In force Feb. 15, 1865.  
in the county of Peoria.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the north half of section twenty-five (25), and the south half of section twenty-four (24), and the northeast quarter of section twenty-four (24), in township eleven north, of range seven east, and the northwest quarter and the south half of section nineteen (19), and the north half of section thirty (30), in township eleven north, of range eight east, in the county of Peoria and state of Illinois, be and the same are hereby cut off and set apart as a separate and independent school district in said townships, to be known and designated as "The Union School District of Akron and Hollock Townships, in Peoria County."

§ 2. The inhabitants in said school district shall have all the powers and privileges now possessed or hereafter given to the inhabitants of other school districts in the said county.

§ 3. The first election of school directors in said school district shall be held on or before the first day of April, A. D. 1865, and the school treasurers of Akron and Hollock townships are hereby required to give notice as now required by law in districts not having a board of school directors, when three school directors shall be chosen to serve until the regular time of electing school directors in the other districts in said county. All subsequent elections shall be held at the same time and in the same manner as now held in other school districts in said county.

§ 4. The school directors, when elected, as provided in the foregoing section, shall have the same powers and be subject to the same liabilities as the school directors in the other school districts of the said county.

§ 5. The school treasurers of the town of Akron and Hollock are hereby required to pay to the school directors of said union district, when elected as aforesaid, the amount of money assessed on the above described real estate for school purposes, including the two mill tax, for the year A. D. 1864.

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

APPROVED February 15, 1865.

AN ACT to establish the Charleston Union School District, in the county of Coles, and state of Illinois. In force April 17, 1865.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That sections numbers one, (1,) two, (2,) three, (3,) ten, (10,) eleven, (11,) twelve, (12,) thirteen, (13,) fourteen (14) and fifteen, (15),

Name.	in township number twelve (12) north, range nine east, in the county of Coles, and state of Illinois, is hereby formed into and is constituted one permanent school district, by the name of the "Charleston Union Graded School," for school purposes, and, as such, shall have all the rights and privileges, and be governed by the same laws as other school districts in this state, except as hereinafter otherwise provided.
Act to be voted on.	§ 2. That in order to organize said district, under this act, written notices shall be posted up in three or more of the most public places in said contemplated district, requesting the qualified electors in said district to assemble upon a day, and at some suitable place in said district, to be named in said notices, then and there to vote, by ballot, for or against the adoption of this act; which said notices shall be so posted up at least ten days next prior to said meeting.
Judges of election.	§ 3. That the electors assembled at said time and place, shall proceed to appoint a chairman, assistant chairman and a clerk, who shall be judges of said election; that the electors in favor of the adoption of this act for this district, shall write upon their ballots "school law," and those opposed thereto shall write upon their ballots "no school law;" the adoption or rejection of this act to be determined by a majority of the votes to be cast, as aforesaid.
Election notice.	§ 4. That in case a majority of votes shall have been cast for said law, the electors of said district shall assemble at the place last aforesaid, within thirty days of the time of the adoption of this act, of which at least ten days' previous notice shall be given by said chairman and clerk, in manner aforesaid, and shall then choose, by ballot, six directors of the public schools of said district, two of whom shall serve for one year, two for two years, and two for three years, and until their successors are elected and qualified. The time that each shall serve to be designated on the ballots; and annually thereafter there shall be chosen, in the same manner, two directors, each of whom shall serve for three years, and until their successors shall be elected and qualified. Such vacancies as may occur to be filled by the acting directors, till the next annual election, when such vacancies shall be filled by the electors.
Term of office.	§ 5. That said directors, within ten days after their election, as aforesaid, shall meet and organize by choosing, from their number, a president, clerk and treasurer; that said treasurer, before he enters upon the duties of his office, shall give bond to the people of the state of Illinois for the use of the inhabitants of said district, with security, to be approved by said board, and to be by them kept conditioned for the faithful discharge of his duties as such treasurer, a true and certified copy of which bond shall be filed with the school commissioners, or county superintendent of said Coles county; and the same shall be a lien upon all the real
Organization.	



estate owned by the obligors, from the time the same shall be so filed.

§ 6. That said directors and their successors in office, shall be a body corporate, by the name of the board of education of Charleston Union school district, and as such and by such name shall receive all moneys and other property belonging to or accruing to said district, or any part of the same, for the use and benefit of the public schools therein; and said board shall be capable of contracting and being contracted with, suing and being sued, pleading and being impleaded, in any court of law or equity, and, also, shall be capable of receiving any gift, grant, bequest or devise, made for the use and benefit of the public schools of said district; and the school commissioner or other proper officer, shall pay over to the treasurer of said board of education said district's proper proportion or share of the school, college and seminary fund of the two mill tax, interest, fines and all other moneys distributed, or to be distributed, for school purposes, according to the laws of this state for each apportionment or distribution treating such district for this purpose the same as a township.

Name of board.

Powers and privileges.

§ 7. Said board of education may hold stated meetings at such times and places in said district as they may appoint four members of said board, at all meetings thereof constituting a quorum to do business, that special meetings thereof may be called by the president, or by any two members of the board, on giving one day's notice of the time and place of the same; and said board, by resolution, shall direct the payment of all moneys that shall come into the hands of said treasurer; and no money shall be paid out of the treasury except in pursuance of such resolution, and on the written order of the president, countersigned by the clerk.

Stated meetings

§ 8. It shall be the duty of said board of education, so soon as the means for that purpose can be provided, to establish, in said district, an adequate number of primary schools to be so located, as best to accommodate the inhabitants thereof, and in which the rudiments of an education shall be taught; and it shall be the further duty of said board to establish in said district a suitable number of other schools of a higher grade or grades, wherein instruction shall be given in such studies as may not be provided for in the primary schools; the number of schools and different grades thereof, to be determined by said board; and it shall be the further duty of said board to determine and direct what branches shall be taught in each and all of said schools or grades.

Primary schools.

Higher schools.

§ 9. Admission to all said schools shall be gratuitous to the entire English or scientific course of studies established in any of said schools to the children, wards and apprentices of all actual residents in said district, who may be entitled to the privileges of the public schools, under the

Admission.



Proviso.	general school laws of this state: <i>Provided</i> , that nothing herein contained shall prevent pupils from being suspended, expelled or kept out of said schools altogether for improper conduct: <i>And, provided, further</i> , that said board shall have full power to admit to said schools other and non-resident pupils, upon such terms and upon the payment of such sums for tuition as they may prescribe, and to demand and collect such rates of tuition from such pupils or their parents or guardians, as reside in or out of said district, and receive instruction in either foreign or dead languages.
Nonresident pupils.	
Rules and laws.	§ 10. Said board of education shall have power to make all necessary rules and regulations for the control and government of said schools; to prescribe and enforce rules for the admission of pupils into the same, not inconsistent with the preceding section, and the examination that pupils must pass preparatory to admission into schools of higher grades than primary; to temporarily divide said school district into divisions or sections, if they shall think proper; to purchase grounds and sites for school houses; to hire, erect, repair and furnish an adequate number of school rooms and buildings, and furnish schools with necessary fixtures, furniture and apparatus, etc.; and to borrow money to pay therefor, on a vote of the district; to employ and fix the compensation of teachers, and to maintain, support, establish and carry on a sufficient number of public schools therein, to accommodate all the children of the prescribed age in said district, for such length of time, in each year, not less than thirty-two weeks, as they may deem proper; to levy annually and have collected, in the same manner as other school directors, for school purposes, a tax not exceeding, in any one year, three dollars on the one hundred dollars assessed valuation of all the taxable property in such district as is subject to taxation therein; and, generally, to have all the powers conferred by law upon directors of schools, and that may be necessary to fully carry any of the powers granted in this act into effect.
Divisions of district.	
Annual tax.	
Annual report.	§ 11. It shall be the further duty of said board to keep an accurate account of their proceedings, and of their receipts and disbursements for school purposes; and at the annual meeting for the choice of members of the board in said district, to make report of such receipts, and the source from which the same were derived; and of said disbursements and the objects to which they were applied; and they shall also make report at the same time of such other matters relating to said schools, as they may deem the interests of the same to require; and they shall, also, make out and furnish, or cause to be made out and furnished to the school commissioner or county superintendent of Coles county, an abstract of the whole number of white children, under the age of twenty-one years, and such other facts and statements as are required by the school law, at the times
Abstract of children.	

and in the manner required by law of other school officers, under the general school laws of this state.

§ 12. That said board of education, within twenty days after their election, shall appoint three competent persons, citizens of said district, to serve as school examiners of the public schools therein ; one to serve for one year, one for two years and one for three years, from the time of their appointment, and until their successors are appointed ; and annually thereafter, said board shall appoint one examiner to serve for three years, and until his successor is appointed, and said board shall fill all vacancies that may occur by death, removal or otherwise ; said examiners, or any two of them, shall examine any person that may apply to them for that purpose, with the intention of becoming teachers in any of the schools in said district ; and if they found the applicant qualified to teach, in any of said schools, and to govern the same, and of good moral character, they shall give such applicant a certificate naming the branches in which the holder was found qualified to teach ; and no person shall be allowed to teach in any of said schools without such certificate ; and said examiners may, in all cases, when two of their number concur, annul such certificate, and when so annulled, the person holding the same shall be discharged, as a teacher, in any of said schools ; said examiners shall, also, separately, or otherwise, together with said board of education, or any of them, or such other persons as they may appoint or invite, visit said schools as often as twice in every week, and observe the discipline, mode of teaching, progress of the pupils, and such other matters as they may deem of interest, and make such suggestions, and report thereon to said board, as they may think proper, which may be published at the discretion of the board.

School examiners.

Certificate to teachers.

Visitation.

§ 13. That said board of education shall be successors to the school directors of schools in school districts numbers one and five, which school districts are, by this act, consolidated and formed into one district, for the uses and purposes hereinbefore expressed ; and all the school houses, buildings, furniture, fixtures, apparatus and any and all other property belonging to and situate in either or both of said districts, are hereby transferred to and vested in the district formed by this act, and to be and remain under and subject to the full and complete control and management of said board of education, for educational purposes. And said board shall have full power, and it shall be incumbent on said board, in good faith, to carry out and fully complete all contracts heretofore entered into by the directors of said school districts numbers one and five, for erecting and repairing school houses in said districts, and furnishing furniture, apparatus and seats for the same.

Board successors to directors.

APPROVED February 16, 1865.

In force Feb. 16,  
1865.

AN ACT to incorporate the Fairburg Union School District.

Limits of school  
district.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That sections (1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 and 12) one, two, three, four, five, six, seven, eight, nine, ten, eleven and twelve, in township twenty-six north of range six east of the 3d principal meridian, including the corporate limits of the village of Fairburg and its additions, and sections thirty-three and thirty-four in township twenty-seven north of range six east of the 3d principal meridian, shall constitute a school district to be known as "The Fairburg Union School District."

Election of board  
of education.

§ 2. That a board of education, consisting of six members, a majority of whom shall constitute a quorum to do business, shall be elected by the legal voters of said district on the first Tuesday of April or on any following Tuesday, A. D. 1865, two of said board holding their office for the term of one year, two for the term of two years, and two for the term of three years, and that two shall be elected annually thereafter on the first Tuesday of April, to hold their office for the term of three years and until their successors are elected and qualified. They shall when elected severally take an oath faithfully to discharge the duties of their office according to the best of their judgment and ability.

Judges and clerk  
of election.

§ 3. The board of education shall cause their clerk to post up notices of the time and place of holding said election in at least five of the most public places in said district, at least ten days previous to the time of election. Two of the members of the board of education shall act as judges and one as clerk of said election: *Provided*, that the trustees of shools of the aforesaid township 26, north, six east aforesaid shall cause the notice for the first election under this act to be posted up, two of whom shall act as judges and clerks of said election. Should said trustees fail to post said notices, it shall be done by the supervisor, assessor and town clerk of the aforesaid township, called Indian Grove, and in this latter case said supervisor, assessor and town clerk shall appoint two persons to act as judges and one as clerk of said election.

Powers of board.

§ 4. The said board of education when so elected, and their successors in office shall have the authority of township trustees in the aforesaid district; and the township school trustees and township treasurers in townships twenty-six north and twenty-seven north aforesaid shall pay over to said board of education such share of the public school fund and township fund, and all other school funds as justly belong to said Fairburg union school district, said funds being divided *pro rata* according to the number of scholars taken from the respective townships, and thereafter the au-



thority of the aforesaid township school trustees shall cease within said school district.

§ 5. Said board of education shall be a body corporate and politic, by the name and style of "The Board of Education of the Fairburg Union School District," and may have a common seal and change the same at pleasure, and as such may contract and be contracted with, sue and be sued, plead and be impleaded, in and before any tribunal having jurisdiction. Any member of the board, having received five days' notice that such vote will be taken, may be removed from office for neglect of duty or improper conduct, by the concurring vote of all other members of the board. In case of a vacancy by such removal or otherwise, between the times of election, the same shall be filled by the remaining members of the board by appointment, and the person so appointed shall hold the office until the next election and until his successor is elected and qualified, and he shall have all the powers and shall be required to perform all the duties as if he had been elected to said office at a regular election.

Name and style.

Rights and powers.

§ 6. It shall be the duty of the board of education to hold regular meetings, once each month, during the year; and they may meet, by adjournment, at such other times and places as they may think proper; and the president of the board, or any two members, may call a special meeting of the board, by giving five days' notice of the time and place to the other members of the board. Said board shall organize within five days after said election, by appointing one of their number president of the board. Said board shall also appoint a clerk and treasurer, neither of whom shall be required to be members thereof. And said treasurer shall execute to said board such official bond, with such conditions and such security as the board may require; said bond being at least double the amount that may come into his hands. Said president, treasurer and clerk shall hold their offices for one year and until their successors shall be elected and qualified. Said clerk and treasurer may be removed from their offices, at any time, by the said board. It shall be the duty of the president, when present, to preside at all the meetings of the board. And it shall be the duty of the clerk to be present at said meetings, and to record in a book to be kept for that purpose all the official proceedings of said board; which record shall be open to the inspection of any person interested; and said proceedings, when recorded, shall be signed by the president and the clerk, and a copy thereof, certified by the clerk, shall be *prima facie* evidence of such proceedings in courts and other places. If the president or clerk shall be absent the board may appoint a president and clerk, *pro tem*. The duties of the treasurer shall be such as shall be prescribed by the said board.

Monthly meeting

Record of acts.



Abstract of children.

§ 7. It shall be the duty of said board to cause an abstract of the whole number of persons under the age of twenty-one years, in said Fairburg union school district, to be furnished, annually, to school commissioner or other proper officer, on or before the first day of November; and the school commissioner or other officer, as aforesaid, shall, annually, pay to the treasurer of said board of education the proportion of the school, seminary, college fund and state tax, and all other taxes and funds to which said Fairburg union school district would be entitled, according to the number of persons, aforesaid, under the age of twenty-one years, and shall take duplicate receipts therefor, one of which he shall retain, the other to be filed with the clerk of the board of education. Said board shall, at the same time, make a report of the condition of the schools, the text books used, the number of scholars in attendance, the average daily attendance, and such other information as may be required by law.

School tax.

§ 8. Said board shall, on or before the first day of May, in each year, cause to be raised, by taxation, in addition to the state and township fund, a sum sufficient for the support of schools in said district the ensuing year; said tax to be levied on all the taxable property in said district, and not to exceed one per cent. on the assessed value of said property; they shall fix upon and determine the rate per cent. for each year; they shall make an order therefor, and shall enter the same on the records of said board; and said board shall, within thirty days thereafter, furnish the county clerk with a copy thereof, certified by the clerk of said board. Said county clerk shall compute said tax in the same manner and at the same time as the state and county tax, and the same shall be collected as other revenue. When so collected it shall be paid by the collector to the treasurer of said board of education, and duplicate receipts taken therefor, as aforesaid.

School houses and sites.

§ 9. For the purpose of erecting school houses and purchasing school house sites, or for repairing and improving the same, for procuring furniture, fuel and district libraries, the board of education of said district shall have power to levy or have levied and collected a tax, not to exceed one cent and five mills on the dollar, on all the taxable property of said district. Said board shall, also, have power, for the purpose of erecting school houses and purchasing sites for school houses, to borrow, at a rate of interest not to exceed ten per cent. per annum, and issue bonds therefor, in sums not less than one hundred dollars; which bonds shall be executed by the president and clerk of said board: *Provided*, that the total indebtedness incurred by said district, under this section, shall not at any time exceed three per centum of the assessed value of all the taxable property in said district.

Special tax.

§ 10. The board of education shall transact all the business which may be necessary in relation to the schools of said district. Duties of board.

*First.* The said board shall establish a sufficient number of schools for the education of all persons under the age of twenty-one years; they shall have power to establish different grades in such schools and put such a course of study in each of said grades as they may think proper.

*Second.* Said board shall cause suitable lots of ground to be procured and suitable buildings to be erected, purchased or rented, for school houses, and shall supply the same with furniture and fuel, and may cause said buildings and other property to be insured, and shall make all other provisions relative to schools that they may deem proper.

*Third.* Said board of education may employ a superintendent, who shall, under the direction of the board, have general supervision of all the schools. Said board shall, by one or more of their number, visit each one of said schools at least once in each month, and shall cause the result of said visit to be entered on the records of the board.

*Fourth.* Said board shall have power to appoint all the teachers of said schools, fix the amount of their salaries, and may dismiss them, at any time, for incompetency, cruelty, negligence or immorality. And said board shall direct what branches of learning shall be taught in each school, and may suspend or expel from school any pupil guilty of bad conduct: *Provided, however,* that in the selection of assistant teachers the superintendent may be consulted by the board.

*Fifth.* Said board shall have entire control of the school fund of said district, whether consisting of the portion of the school, seminary or township fund belonging or to belong to said district, as aforesaid, or raised by taxation, as aforesaid, or otherwise; to be used and applied by them for the purposes aforesaid; and no money shall be paid out of the treasury of said board except upon the order of said board therefor.

§ 11. Said board of education shall, at the end of each year, cause to be prepared a statement, exhibiting the condition of the schools; which statement shall be substantially as follows, viz: What annual report to contain.

*First.* The whole number of schools which have been taught in said year; what number have been taught by males exclusively; what number have been taught by females, and what part by males and females.

*Second.* The whole number of scholars in all the schools, giving the number of males and females in each, and average daily attendance in each school; and, to enable them to do this, they shall require the teachers to keep correct schedules of the attendance.

*Third.* The aggregate number of male and female teachers ; the highest, lowest and average monthly compensation paid to teachers.

*Fourth.* The amount of money received from school commissioner or other officer and from taxes, and the amount of all other funds received into the treasury of the board.

*Fifth.* The amount and kind of unexpended funds on hand at the end of each year.

*Sixth.* The amount paid for teachers' wages, for school house lots, for building, repairing, renting, purchasing and furnishing school houses ; for school apparatus ; amount paid as compensation to school officers and for other services ; and in every case stating to whom paid and for what purpose.

*Seventh.* A statement of the total amount received and paid for school purposes.

Powers of board.

§ 12. Said board may receive any gift, grant, donation, devise, bequest or legacy made for the use of any school or schools or library or other school purposes within their jurisdiction ; and they shall be and are invested, in their corporate capacity, with the title, care and custody of all school houses, school sites, libraries, apparatus and other property belonging to said school or schools, aforesaid, or which may be within their jurisdiction, with full power to control the same, in such manner as they may think will promote the interests of the schools and the cause of education ; and when, in their opinion, any school house or school house site has become unnecessary, inconvenient or unsuitable for a school, said board may sell and convey the same, in the name of the board ; and such conveyance, as well as all other conveyances, contracts and assignments of the board, shall be executed by the president and clerk, and the avails of all sales shall be paid to the treasurer of said board, for the benefit of schools.

By-laws.

§ 13. Said board of education may make such by-laws, rules and regulations as may be absolutely necessary to the exercise of the foregoing powers.

Annual report.

§ 14. The annual report of the board of education shall be submitted at the time of the election for members of the board of education. Said election shall be held at such time and place and be conducted in such manner as may be prescribed by the board of education : *Provided*, the election shall be by ballot.

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

APPROVED February 16, 1865.



AN ACT to enable Winchester school district to issue bonds.

In force Feb. 16,  
1865.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* The directors of school district number three, township fourteen, range twelve, commonly known as the Winchester school district, in Scott county, Illinois, are hereby authorized and empowered to issue the bonds of the district to the extent of ten thousand dollars, in the year 1865, and of five thousand dollars in the year 1866, for the purpose of raising funds with which to build a district school house.

Directors to issue bonds.

§ 2. Said bonds shall be signed by at least two of the school directors of the district aforesaid, and shall bear interest at a rate not exceeding ten per cent. per annum. They shall be redeemable in not less than five years, and the time of redemption thereof, or of any portion of the same, may be extended to a period not exceeding ten years from the time of issue, at the option of the directors.

Bonds, how executed.

§ 3. On issuing bonds, as aforesaid, the directors may, themselves or by their agents, negotiate the same and convert the same into current funds, and apply the proceeds of such negotiation to the purposes contemplated in this act: *Provided, however,* such bonds shall not at any time be negotiated at less than par.

Proviso.

§ 4. The proceeds of such taxes as may be levied on the inhabitants of the district aforesaid, by the directors aforesaid, in accordance with section forty-seven of "An act to establish and maintain a system of free schools," approved February 22, 1861, shall be applied, 1st. To the payment of the necessary expense of maintaining schools in said district. 2d. To the payment of the interest, each year, as it may accrue on said bonds and the same be presented for payment; and 3d. To the creation of a fund with which to redeem said bonds at the expiration of the time for which they were designed to remain outstanding.

Proceeds of tax.

§ 5. This act shall be in force from and after its passage, and the secretary of state shall immediately, on its passage, certify the same to the directors of the district to be benefitted hereby.

APPROVED February 16, 1865.

AN ACT to protect sheep growers in the counties of Henry and Bureau.

In force Feb. 16,  
1865.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the board of supervisors of Henry and Bureau counties shall hereafter cause to be levied an annual tax, of not less than

Annual dog tax levied.



two nor more than five dollars, on each and every dog in the said counties of Henry and Bureau, said tax to be assessed, levied and collected in the same manner as the county tax on personal property is assessed, levied and collected in said county.

§ 2. The money collected by virtue of this act shall be appropriated in such manner and for such purposes as the board of supervisors of the said county of Henry may direct.

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

APPROVED February 16, 1865.

In force Feb. 16, 1865, AN ACT to protect sheep growers in the counties of Whiteside and Winnebago.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the boards of supervisors of the counties of Whiteside and Winnebago shall hereafter levy an annual tax of not less than three nor more than five dollars on each and every dog in the said counties of Whiteside and Winnebago, said tax to be levied and collected in the same manner as the county taxes on personal property are levied, assessed and collected in the said counties.

Annual dog tax  
levied.

§ 2. The money collected by virtue of this act shall be appropriated in such manner and for such purposes as the boards of supervisors of the said counties may direct.

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

APPROVED February 16, 1865.

In force Feb. 16, 1865, AN ACT to postpone the collection of the revenue for A. D. 1864, in the township of Galva, Henry county.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the time for the return by the said township collector of Galva of the warrant issued for the collection of taxes for the year eighteen hundred and sixty-four, is hereby extended until the fifteenth day of March A. D. 1865; and until the fifteenth day of March, 1865, the said township collector shall have and possess all the power to enforce the payment and collection of said taxes, which he might or could exercise before the return day of the respective warrants issued, and as now required by law.

Time extended.

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

APPROVED February 16, 1865.

AN ACT to reduce the back taxes in the town of Gilman, Iroquois county. In force Feb. 15, 1865.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the collector of taxes of the county of Iroquois be and he is hereby instructed, and it shall be his duty, to reduce the assessed valuation of such town lots of the town of Gilman, in said county, for the years A. D. 1860, 1861, 1862 and 1863, upon which taxes for those years remain due and unpaid, to an amount equal to the price for which said lots sold *bona fide* at public sale for cash in the year 1862, as appears from the records on file in said county, said price to be considered and become the assessment for taxation of said lots respectively, instead of the former assessment for the above mentioned years. And the said collector shall compute the taxes on all the lots in the town of Gilman, for each and all of said years, upon said amended assessment, and shall receive said computed amount of taxes, in full payment of all taxes now due and unpaid, for said years upon said lots.

Reduction of assessment tax.

§ 2. *Be it further enacted,* That the auditor of state be, and he is hereby instructed, and it shall be his duty, to settle with said collector of Iroquois county for all the taxes due the state and unpaid on said lots and lands in said town of Gilman, on the basis mentioned in section one of this act.

Auditor to settle with collector.

§ 3. This act is declared a public act, and shall be in force from and after its passage, and all laws, or parts of laws, inconsistent with the provisions hereof are hereby repealed.

APPROVED February 15, 1865.

AN ACT to authorize the Board of Supervisors of the county of La Salle to correct the levy and assessment of taxes against the First National Bank of La Salle. In force Feb. 15, 1865.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the board of supervisors of the county of LaSalle be and they are hereby expressly authorized and empowered to correct the levy and assessment of state, county and town taxes against the "First National Bank of La Salle," for the year

Levy corrected.

A. D. 1864, and to reduce the same to such sum as, in their judgment, shall seem just and proper.

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

APPROVED February 15, 1865.

In force Feb. 15, 1865. AN ACT to authorize the county of McDonough to issue bonds and to levy taxes for the purpose of building a court house in said county.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the board of supervisors in the county of McDonough be and they are hereby authorized and empowered to issue bonds of said county, not to exceed in value the sum of fifty thousand dollars, which said bonds shall be payable in not less than five nor more than twenty years, and bear interest at a rate not exceeding ten per cent. per annum, and to levy a tax on all the taxable property in said county to raise funds to liquidate said bonds and the interest thereon, for the purpose of building a court house in said county; that before any bonds shall be issued as aforesaid, the supervisors of said county shall give notice, at a regular session thereof, that they will at the next session of their board move to issue bonds as aforesaid, and shall cause a notice thereof to be published in all the newspapers published in said county at least six weeks prior to the meeting of said board of supervisors, when said bonds may be issued; and no bonds shall be issued unless two-thirds of all the supervisors in said county shall vote therefor. Said supervisors may, at their discretion, in lieu of issuing bonds as aforesaid, levy a tax on all the taxable property in said county, not to exceed ten cents on each one hundred dollars per annum, until the sum of fifty thousand dollars be raised for the purpose aforesaid.

§ 2. All taxes that may be levied as aforesaid, shall be collected at the same time, in the same manner, and by the same officers who may collect the revenue for state and county purposes, and the laws now in force for the collection of state and county revenue shall be in force and applicable to the collection of the taxes provided by this act.

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

APPROVED February 15, 1865.

AN ACT to enable the inhabitants of Pontiac township, county of Livingston, in the state of Illinois, to levy a tax for the purpose of experimenting for stone coal, coal oil and other minerals, in the vicinity of Pontiac, Illinois. In force Feb. 16, 1865.

[SECTION 1.] *Be it enacted by the People of the State of Illinois, represented in [the] General Assembly,* That the clerk of the county court of Livingston county, in the state of Illinois, be required to apportion and extend a tax of four mills on every one dollar's valuation of taxable property in town twenty-eight (28) north, range five (5) east, including the corporation of the town of Pontiac, on the collector's book for said township for the year A. D. 1865, in a column by itself, styled "coal experiment tax;" said tax to be collected as other taxes are by law for county, state and other purposes, and when collected, to be paid over to Nelson Buck, William B. Lyon and Jonathan Duff, who are hereby appointed commissioners for the purpose of procuring materials for and conducting all operations necessary for a proper examination for stone coal, coal oil and other minerals, in the vicinity of said town of Pontiac. Said commissioners shall give bond to the supervisor of said town of Pontiac, for the use of the inhabitants thereof, in double the amount of the sum raised by said tax, conditioned for the due and proper application of all moneys so coming into their hands as such commissioners, to the purposes aforesaid. Any moneys left unexpended after making experiments, satisfactory to said commissioners, shall be paid over by said commissioners into the general school fund of the town of Pontiac, and shall form a part of said school fund. Special tax.  
Examination for oil and minerals

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

APPROVED February 16, 1865.

AN ACT to authorize the levy and collection of a tax in the towns of Rivoli and Richland Grove, in the county of Mercer, for the payment of bounties to persons mustered into the service of the United States. In force Feb. 15, 1865.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the boards of town auditors of the towns of Rivoli and Richland Grove, in the county of Mercer, are hereby authorized, at any regular or special meeting, to require the town clerks to levy such special tax upon all the taxable property in said towns, not exceeding four dollars on each one hundred dollars' valuation, as they may deem necessary, to raise a sufficient fund to enable said boards of auditors to offer and to pay a suitable bounty to such number of men as may be required to fill the quotas of said towns, or to pay to those Special tax for bounties.



who may be drafted from said towns into the services of the United States.

Tax, when collected.

§ 2. Said boards of town auditors may prescribe the time when any special tax, levied under the provisions of section one of this act, shall be collected and paid, and when said tax, or any part thereof, shall be collected, the same shall be set apart as a special fund for the payment of said bounties, and for no other purpose whatever, and shall be known and designated as the "bounty tax fund."

Tax, how collected.

§ 3. All taxes levied under the provisions of this act shall be collected in the same manner as county taxes are collected, but the commission for collecting the same shall only be one-half the per centage now allowed by law for collecting county revenue.

Soldiers' property not taxable.

§ 4. The boards of town auditors of said towns of Rivoli and Richland Grove may instruct the town clerks not to extend the tax upon the property of those now in the service of the United States, and in other cases of volunteers not now in said service, where the collection of said tax would be manifestly unjust.

When to pay over.

§ 5. The town collector shall, at least once in ten days, pay over to the persons appointed by said boards of town auditors for that purpose, all town tax collected under the provisions of this act.

§ 6. This act shall be in force on and after its passage.

APPROVED February 15, 1865.

In force Feb. 9, 1865. AN ACT to extend the time of the collection of taxes in Stephenson and Knox counties, and to authorize Stephenson county to fund its debt and levy a bridge tax.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the time for the return by the township collectors of the warrants issued for the collection of taxes for eighteen hundred and sixty-four for Stephenson and Knox counties is hereby extended until the fifteenth day of March next, and until said fifteenth day of March, township collectors shall possess all the powers to enforce the payment and collections of taxes which they might or could exercise before the return day of their respective warrants, by the laws now in force, at the time said warrants issued: *Provided*, that the township collectors of the several towns in said counties shall, on the first day of March next, pay over to the officers entitled thereto, all state, county, town or special taxes collected by them up to that date, and shall make and file with the county treasurers of said counties an affidavit stating the amount of taxes so collected by them.

§ 2. Nothing in this act contained shall be deemed or taken to change the law for the collection of the revenue except for the year eighteen hundred and sixty-four. Limit of this act.

§ 3. The sureties on the bonds of township and county collectors shall not be released nor their liability affected by the provisions of this act, and township collectors shall be and continue to be subject to the same penalties and liabilities for nonfeasance, misfeasance or malfeasance in office, to which they were liable during the time allowed them by law for the performance of their duties if this act had not been passed.

§ 4. The board of supervisors of said county of Stephenson are hereby authorized, for the purpose of funding the debts of said county, at any regular or special meeting, to issue the bonds of said county, in sums of not less than one hundred dollars, payable in not less than one nor more than five years, with interest coupons attached, at a rate not exceeding ten per cent. per annum. Said bonds shall be signed by the chairman of the board of supervisors, attested by the clerk of the county court, and countersigned by the treasurer; and the whole amount of said bonds issued shall not exceed one hundred and fifty thousand dollars. Stephenson co.  
may issue bonds

§ 5. Said board of supervisors of Stephenson county are hereby authorized to levy, at their annual meeting, such special tax, not exceeding ten mills on the dollar, on the taxable property of said county, as they may in their discretion deem necessary, for the purpose of building or repairing bridges over the Pecatonica river, in said county, which tax shall be known as the "bridge tax." Special tax.

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

APPROVED February 9, 1865.

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AN ACT to enable the towns of Wilmington, Essex and Norton to pay certain debts therein mentioned. In force Feb. 16,  
1865.

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 are hereby authorized and required, at the next annual meeting thereof, to levy a tax of the sum of one thousand two hundred and eighty-nine dollars and seventy-eight cents, and a sufficient sum to pay the cost of collecting the same, upon the taxable property of the town of Wilmington, for the purpose of paying its share of a judgment rendered in the circuit court of the United States for the northern district of Illinois, in favor of Andros B. Stone, against the Kankakee Bridge Company; and that the board of supervisors of Kankakee Special tax to  
pay debt.

Tax in town of  
Essex.

county be and are hereby authorized and required, at the next annual meeting thereof, to levy a tax of the sum of six hundred and ninety-nine dollars and sixty-two cents, and a sufficient sum to pay the cost of collecting the same, upon the taxable property of the town of Essex, for the purpose of paying its share of said judgment; and are also hereby authorized and required, at the next annual meeting thereof, to levy a tax of the sum of four hundred and ninety-six dollars and eighty-six cents, and a sufficient sum to pay the cost of collecting the same, upon the taxable property of the town of Norton, for the purpose of paying its share of said judgment. All of said taxes shall be assessed and collected in the same manner as other town taxes are, and said sums, exclusive of the cost of collection, paid to the plaintiff in the said judgment, or to his duly authorized agent or attorney, on or before the first day of July, A.D. 1866.

Tax, how collect-  
ed.

§ 2. This act shall be in force from and after its passage.  
APPROVED February 16, 1865.

In force Feb. 15, 1865. AN ACT to incorporate the Independent Order of Good Templars of the State of Illinois.

Name and style.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That J. W. Nichols, Rolla A. Law, R. E. Logan, J. Hartman, J. K. Harnison, R. M. Guilford, L. C. Carr, J. K. Vandorn and D. Wilkins, being officers and members of the grand lodge of the independent order of Good Templars of the state of Illinois, and their successors, be and they are hereby declared to be a community, corporation and body politic, by the name and style of "The Grand Lodge of the Independent Order of Good Templars of the State of Illinois;" and by that name they and their successors shall and may, at all times hereafter, be capable in law to have, receive and retain, to them and their successors, property, real and personal; also, devises or bequests of any person or persons, bodies corporate or politic, capable of making the same, at their pleasure to transfer or dispose of in such a manner as they may think proper: *Provided, always,* that the said body politic or corporation, shall not at any time hold or possess property, real or personal or mixed, exceeding in annual value the sum of twenty thousand dollars.*

Rights and pow-  
ers.

§ 2. That the said corporation, and their successors, by the name, style and title aforesaid, shall be forever hereafter capable, in law, to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended, in



all and any courts of justice, and before all and any judge, officer or persons whatsoever, in all and singular actions, matters or demands whatsoever.

§ 3. That it shall and may be lawful for said corporation Seal. to have a common seal for their use, and the same at their will and pleasure to change, alter and make anew, from time to time, as they may think best; and shall, in general, have and exercise all such rights, privileges and immunities as by law are incident or necessary to the corporation herein constituted.

§ 4. That the subordinate lodges which are now belonging to and which may hereafter be instituted by the said corporation and their successors, by the name and number of their respective lodges of the independent order of Good Templars in the state of Illinois, shall be declared a community, corporation and body politic, and to be at all times hereafter capable, in law, to have, receive and retain, to them and their successors, property, real and personal, also devises or bequests of any person or persons, bodies corporate or politic, capable of making the same; and the same at their pleasure to transfer or dispose of in such a manner as they may think proper: *Provided, always,* that either of Subordinate lodges. the subordinate lodges shall not, at any time, hold or possess property, real, personal or mixed, exceeding in annual value the sum of ten thousand dollars. Proviso.

§ 5. That each of the said subordinate lodges which Annual election. now are, and which may be hereafter, instituted by the aforesaid corporation, shall, from and after the passage of this act, elect three, or appoint, annually, three trustees, and certificates of election or appointment of said trustees shall be recorded in the office of the county recorder in which said subordinate lodges are situated; and that the said trustees, and their successors, shall be forever thereafter capable, in law, to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended, in all or any courts of justice, and before all and every judge, officer or persons whatsoever, in all and singular actions, matters or demands whatsoever.

§ 6. That it shall and may be lawful for either and all of said subordinate lodges to have a common seal for their use, and the same at their will and pleasure to change, alter and make anew, from time to time, as they may think best; and, in general, shall have and exercise all such rights and privileges and immunities as, by law, are incident or necessary to corporations, and which may be necessary to corporations herein constituted. Rights and privileges.

§ 7. This act to take effect on and after its passage.

APPROVED February 15, 1865.



In force April 18,  
1865.

# AN ACT to incorporate the town of Anna.

Name and style.	SECTION 1. <i>Be it enacted by the People of the State of Illinois, represented in the General Assembly,</i> That the inhabitants of the town of Anna, be and they are hereby constituted a body politic and corporate, by the name and style of "The President and Trustees of the Town of Anna,"
Powers and privileges.	and by that name shall have perpetual succession, and may have and use a common seal, which they may change and alter at pleasure; have power to sue and be sued, to plead and be impleaded, to defend and be defended, in all courts of law and equity, in all actions whatsoever; to purchase, receive and hold property, both real and personal, within said town, and to purchase, hold and receive property, real and personal, without the corporate limits thereof, for burial grounds and other public purposes, for the use and benefit of the inhabitants of said town; and to sell, lease, convey, and otherwise dispose of said property, and to improve and protect the same.
Limits of town.	§ 2. Said town shall include within its corporate limits all that territory included within the lines bounding the east half of section nineteen (19), and the west half of section twenty (20), in township twelve, south of range one, west of the third principal meridian, in the county of Union and state of Illinois, being the same boundaries surveyed and established by said town of Anna on the tenth day of June, A. D. 1856.
Trustees.	§ 3. The corporate powers of said town shall be vested in five trustees, who shall be citizens of the United States, over twenty-one years of age, shall have resided in said town twelve months next preceding the day of their election, and paid a state and county tax.
Annual election of trustees.	§ 4. The present trustees of said town shall continue in office, and exercise all the powers of trustees as granted by this act, until the second Monday in August next, and until their successors are duly elected and qualified; and on the second Monday in August in the year 1865, and on the second Monday in August, annually, thereafter, five trustees shall be elected by the qualified voters of said town, who shall hold their offices one year, or until their successors are duly elected and qualified.
Oath of trustees.	§ 5. The trustees, before entering upon the duties of their office, shall each take and subscribe an oath, before some officer legally authorized to administer oaths, to support the constitution of the United States and the constitution of Illinois, and faithfully to perform the duties of their office to the best of their ability.
President.	§ 6. At the first meeting of the board after their election, they shall elect one of the trustees as president of the board.

§ 7. The board of trustees shall be judges of the qualifications, elections and returns of their own members, and shall determine all contested elections.

§ 8. A majority of the board of trustees shall constitute a quorum to transact business, but a smaller number may adjourn from day to day and compel the attendance of absent members, under such penalties as may be prescribed by ordinance. Quorum.

§ 9. The board of trustees shall have power to determine the rules of its proceedings, punish its members for disorderly conduct, and with the concurrence of two-thirds of the trustees elected, expel a member. Rules and powers.

§ 10. Removal from the limits of the town shall vacate the office of any trustee, and all vacancies may be filled by the remaining members of the board. Vacancies.

§ 11. The board of trustees shall keep a journal of its proceedings, which shall always be subject to inspection of citizens of the town. Record of acts.

§ 12. The trustees shall, at their first meeting after the annual election, appoint a town constable, clerk, treasurer, street commissioner, and such other officers as may be necessary for the good of the town, and may fill all vacancies that may occur in said offices previous to the annual election. They shall prescribe the duties and compensation of each of said officers, and may require each to take an oath and give bond for the faithful performance of his duty. Town officers.

§ 13. All official bonds required to be given under the provisions of this act, shall be made payable to the president and trustees of the town of Anna. Pay of officers.

§ 14. The president and trustees of said town shall have power to appoint a town constable for said town, whose duty it shall be, when he shall have given bond and been sworn into office, to execute anywhere in Union county any writ, process and precept which may be issued against any person or persons for the violation of any ordinance of said corporation, and to arrest on view any and all persons who may violate the same, and to take them before the police magistrate of said town, or in case of his absence, before any justice of the peace, and to collect any fine, forfeiture or penalty which may be assessed or recovered, for the use of said town: *Provided*, that any other constable may execute any process by the police magistrate of said town by virtue of this act. Official bonds.

§ 15. All male white citizens of the United States, above the age of twenty-one years, who are not disqualified by the laws of the state, for voting for members of the legislature, and who shall have resided within the limits of said town of Anna six months next preceding an annual election, shall be qualified to vote for officers of said town of Anna. Constable's duty

§ 16. The board of trustees of said town shall have power and authority to levy and collect taxes upon all pro- Who are voters.

Assessment tax.

perty, both real and personal, within the limits of said town, not exceeding one half of one per cent. upon the assessed value thereof, and also assess and enforce payment of the same in any manner prescribed by ordinance, not contrary to the constitution and laws of the state, or the trustees may adopt the annual assessments of said property made by the county assessor, and cause the same to be collected by the county collector.

§ 17. In case the board of trustees of said town shall adopt the latter mode of assessing and collecting the town taxes, they shall, as soon as the county assessor shall make return of his assessment, notify the clerk of the county of that fact, and file in his office a copy of the ordinance adopting the county assessment and establishing the rate of taxation.

Tax, how collected.

§ 18. Upon the filing of the ordinance as aforesaid, the taxes for the town at the rate established, shall be calculated and extended by the proper officer of the county, and the same collected by the collector of the county with the state and county taxes, and in the same manner.

Pay of county officers.

§ 19. The taxes, when collected, shall be paid over to the treasurer of the town; and the county officers shall be paid the same compensation for services under this act, as are allowed them for similar services under the revenue laws of the state.

Power of trustees

§ 20. The trustees of said town shall have power and authority to appropriate money for the payment of the debts and expenses of the town.

Health.

To make regulations to secure the health of the inhabitants, and to prevent the introduction of contagious diseases into the town.

Wells, cisterns.

To dig wells and cisterns and erect pumps to provide water for the use of the inhabitants.

Chimneys.

To provide for the prevention and extinguishment of fires.

Fires.

To regulate the fixing of chimneys and flues.

Powder.

To regulate the storage of gunpowder, tar, pitch, rosin, and other combustible material.

Hay, coal, wood.

To provide for the inspection and weighing of hay, stone-coal, the measurement of charcoal, firewood and other fuel to be sold in the town.

Public grounds.

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

Peddlers and brokers.

To license, tax and regulate auctioneers, pawnbrokers, peddlers and brokers.

Vehicles.

To license, tax and regulate hacks, omnibuses, wagons, carts and drays.

Exhibitions.

To license, tax and regulate theatrical and other shows and exhibitions.

Doggeries.

To license, tax, regulate or suppress all groceries, dram shops, tippling houses, or other houses where spirituous, vinous or malt liquors are sold or in any way disposed of.



To restrain and suppress gaming houses, bawdy houses, Immoral houses, and all other disorderly houses.

To license, tax and regulate, or entirely prohibit and suppress billiard tables and bowling alleys. Billiard tables.

To open, alter, abolish, straighten, widen, extend, establish, grade, pave, gravel, or otherwise improve and keep in repair, streets, avenues, lanes and alleys; and for that purpose the board of trustees shall have power to assess a road labor tax, not to exceed five days' labor in each year upon each and every male residing within the limits of said town, between the ages of twenty-one and forty-five years, and provide for the time and manner of collecting the said tax. Streets, etc. Street tax.

To construct bridges, culverts and sidewalks; and they may require the owners of real estate adjoining said sidewalks, to pay one-half the cost of constructing the same, the amount to be paid by each to be in proportion to the number of feet his or her lot or lots shall extend along said sidewalks. Bridges, side-walks.

To declare what shall be considered a public nuisance, and prevent and remove the same. Nuisances.

To regulate the election of town officers, and fix their compensation. Elections.

To regulate the police of the town, to impose fines, forfeitures and penalties for the breach of any ordinance, and to provide for the recovery of such fines, penalties, forfeitures, and the enforcement of such penalties: *Provided*, that for each violation of an ordinance, no fine imposed shall be less than three, nor more than one hundred dollars. Police. Proviso.

§ 21. The board of trustees shall have power to make all ordinances necessary and proper to carry into effect the powers specified and granted in this act: *Provided*, that such ordinances shall not be contrary to the constitution and laws of the state. Ordinances. Proviso.

§ 22. The style of the ordinances shall be, "Be it ordained by the president and trustees of the town of Anna." Style of ordinances.

§ 23. All moneys arising from licenses, fines, forfeitures, penalties or otherwise, under the provisions of this act, or under any ordinance, by-law or resolution passed in accordance with the same, shall be paid over by the officer or person collecting the same, into the treasury of the said town, to be expended by the president and trustees for the improvement of the same. Fines, licenses.

§ 24. Any fine, penalty or forfeiture incurred under this act, or any ordinance, by-law or resolution passed in accordance with this act, or that may be incurred under any act or acts that may be passed amendatory of this act, may be recovered, together with cost of suit, before the police magistrate of said town in the corporate name, or in case of his absence, before any justice of the peace of the proper county; and several fines, forfeitures or penalties, for breaches of the same ordinance, by law or resolution, not exceeding Fines, how collected.



one hundred dollars, may be recovered in one suit; and the first process shall be summons, unless oath or affirmation be made for warrant by some credible person; but in all cases of assault, assault and battery, affray or riot, a warrant shall issue for the arrest of the offender or offenders, in the same manner as for like offences against the laws of the state. It shall be lawful to declare, generally, for debt, to recover such fines, penalties or forfeitures. Upon the rendition of judgment, the police magistrate of said town, or the justice of the peace before whom the same shall have been recovered, 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.

Execution.

When ca. sa. is-  
sued.

If the constable shall return upon such execution, "no property found," then the police magistrate of said town, or the justice by whom the same shall have been issued, shall issue a *ca. sa.* against the body of the defendant, or defendants, and the constable shall arrest such person or persons and commit him, her or them to the jail of the county, to remain forty-eight hours; and if the judgment and costs exceed five dollars, then to remain in close custody in said jail twenty-four hours for every two dollars over and above the said five dollars, and so in proportion to the amount of the judgment and costs: *Provided, however*, if the said president and trustees, or their attorney, shall require a transcript of the judgment and costs to be certified to the clerk of the circuit court of the proper county, to have the same levied upon real property, and signify the same to him in writing, he shall not issue a *ca. sa.* 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 as in other cases.

Proviso.

Police magis-  
trate.

§ 25. The present police magistrate of said town, shall be deemed the police magistrate under this act, until his term of office shall expire, when it shall be lawful for the president and trustees to cause an election to be held for police magistrate to fill such vacancy.

Ordinances in  
force.

§ 26. All ordinances, by laws and resolutions, passed by the president and trustees of said town, as incorporated under the general corporation act of the state, and which are not inconsistent herewith, shall remain in full force and effect until the same shall be repealed by the president and trustees of the corporation created by this act.

APPROVED February 16, 1865.

AN ACT to repeal an act entitled "An act to incorporate the village of Antioch, in Lake county," approved February 16, 1857. In force Feb. 16, 1865.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That an act entitled "An act to incorporate the village of Antioch, Lake county," approved February 16, 1857, be and the same is hereby repealed. Act repealed.

§ 2. This act shall take effect immediately.

APPROVED February 16, 1865.

AN ACT the better to incorporate the town of Arcola, county of Douglas, and state of Illinois. In force Feb. 16, 1865.

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

§ 2. The boundaries of said town shall be as follows, to-wit: all the northeast quarter and the south half of section No. four; also, the north half of section No. nine, township fourteen, (14), range No. eight, (8), E., Douglas county, Illinois. Boundaries.

§ 3. The inhabitants of said town, by the name and style aforesaid, shall have power to sue and be sued, to plead and be impleaded, defend and be defended, answer and be answered unto, in all courts of law and equity in this state, in all actions whatever; to purchase, receive and hold property, real and personal, within or beyond the corporate limits of said town, for burial grounds and other public purposes, for the use and benefit of the inhabitants of said town; to sell, lease or otherwise dispose of the property, real and personal of said town, for the use and benefit of the same, and to improve and protect such property, and to do all other acts and things in relation thereto, that natural persons might do. Powers.

§ 4. The corporate powers and duties of said town shall be vested in five (5) trustees, who shall constitute a board for the transaction of the business of said town; and the persons who are now trustees of said town, holding their offices under and by virtue of the general law of this state Five trustees.  
Present trustees.

for the incorporation of towns and cities, shall be deemed to hold their offices under and by virtue of this act, until the first (1st) Monday of April in the year of our Lord one thousand eight hundred and sixty-five, (1865), and until their successors are elected and qualified.

Annual election  
for trustees.

§ 5. On the first Monday of April in the year of our Lord, 1865, and ever afterwards, on the first Monday of April in each and every year, an election shall be held in said town of Arcola, for the election of five (5) trustees of said town. The persons so elected, shall be citizens of the United States and of this state; they shall possess a freehold estate within said town, and shall have actually resided 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.

Notice of election

§ 6. The incumbent board of trustees shall give ten days' notice previous, of any and all elections to be held under the provisions of this act or any ordinances of said town, by posting up notices in writing, in at least three public places in said town, or by publication in some newspaper published therein. Said notices shall specify the time and place of holding such election, the hour of the day at which the polls shall be opened, the hour at which they shall be closed. It shall also be the duty of the board of trustees, at least ten days previous to any regular election, to appoint three persons, who shall be qualified voters at said election, to act as judges of elections, for and during the term of one year, and in case of absence of any or all of said judges at the hour appointed for said election, the vacancy shall be filled in the same manner as required at state and county elections. 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.

Judges of elec-  
tion.

Oath of trustees.

§ 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 month, and shall, at their first meeting after their election, appoint one of their number

President  
board.



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 continued absence from their regular meetings for the term of one month, or otherwise. They may punish their members for disorderly conduct; and by a vote of three-fifths of all their members, they may expel a member from the board; and they shall also have power to remove from office, by a vote of three-fifths of all their members, any subordinate officer of said town, who holds his office by appointment of board of trustees of said town.

Vacancy, how filled.

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

Clerk and constable.

§ 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 one 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: *Provided*, that lands occupied for farming purposes, in tracts of ten (10) acres or more, and not laid off in town lots or blocks, shall be exempt from taxation for town purposes, except for school and road purposes. They shall also have power to appropriate money and to provide for the payment of the debts and expenses of the incorporation.

Assessment and collection of taxes.

Property exempt from tax.

§ 10. They shall have power to make regulations for securing the general health and comfort of the inhabitants of said town; to define and declare what shall be considered a nuisance, and to provide for the prevention, removal or abatement of the same; and to provide for the punishment of the authors thereof, by fines, penalties, or imprisonment

Health regulations.



in the town or county jail of Douglas county, or by both such fines and imprisonment, and to authorize, direct and enforce the summary abatement of any such nuisance or nuisances.

Repair of streets. § 11. They shall have power, and it shall be their duty, to cause all streets, alleys and public roads within said town, to be kept in good repair; and for that purpose, they may require every male resident of said town, over the age of twenty-one years and not exceeding fifty years, to labor thereon not exceeding three days in each and every year, or to pay at the time of being notified to work, the sum of one dollar for every day's labor required of him; and if the money and labor performed and received be insufficient for that purpose, they shall appropriate so much from the general fund of the corporation as may be necessary therefor; and the inhabitants of said town shall be exempt from working on any road outside of the same.

Open and vacate streets. § 12. They shall have power to open, alter, vacate, widen, extend, establish, grade, pave or otherwise improve, any street, avenue, lane, alley, public grounds and public roads within the limits of said town; and to establish, erect, construct, build and keep in repair bridges, culverts, sewers, sidewalks, pavements and crossways, and regulate the construction and use of the same, and to punish the abuse thereof; and to levy and collect, from time to time, a tax on the lot or lots in front of which such sidewalk or sidewalks, pavement or pavements, shall be ordered and proposed to be made or repaired: *Provided*, that every such tax shall be levied on such lots, proportionate to the length of their respective fronts: *And, provided further*, that such tax shall not be less than one-half the actual cost of such making or repairing: *And, provided*, that the tax provided for in this section shall not be taken or held to be any part of the tax provided for in section nine of this act.

Proviso. Water, coal, etc. § 13. They shall have power to provide the town with water, to sink and keep in repair public wells; and to erect and keep in repair such public buildings as the necessities of the town may require; and provide for the inspection and weighing of hay and stone coal, and the measurement of wood and fuel to be used in said town.

License, flues, powder, gambling, houses of ill fame. § 14. They shall have power to license, tax and regulate auctioneers, merchants, family grocery stores, eating houses, hawkers and peddlers; and to regulate the fixing of chimneys and flues thereof; also to regulate the storage of gunpowder and other combustible materials, in said town; to restrain and prohibit every description of gambling and fraudulent devices; to suppress and prohibit gambling houses, bawdy houses, houses of ill fame and all other disorderly houses within said town and one mile from the limits of said town.

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

Exhibitions.

Assault and battery.

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

Dogs.

Fireworks.

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

Cattle.

Racing.

§ 18. The said president and trustees of the said town of Arcola, shall have and exercise complete and exclusive control, as hereinafter provided, over the selling, bartering, exchanging, giving away, or in any way trafficking, in any wine, ale, rum, gin, brandy, whisky, or other intoxicating or malt liquors, within the limits of said town; and may by ordinance, declare any such selling, bartering, exchanging, giving away or trafficking in any manner, in any such ale, wine, gin, rum, brandy, whisky, or other intoxicating or malt liquors within the corporate limits of said town; and the place and places where the same is carried on, or either of them a nuisance; and shall have and exercise the same power and authority to provide for the prohibition or prevention, removal or abatement of any such nuisance or nuisances, and for the punishment of the authors thereof as they have and may exercise by virtue of section ten (10) of

Liquors.

- Proviso. this act, in the case of other nuisances; *Provided*, that they shall allow *bona fide* druggists to sell the same in good faith for purely medical, mechanical or sacramental purposes:
- Proviso 2. *Provided*, that they shall not impose any fine by authority of this section, of more than fifty (50) dollars for one offense, or any penalty of imprisonment in the jail of the town or county, of more than thirty (30) days, for any one offense:
- Proviso 3. *Provided, further*, the said board shall have power to license the sale of aforesaid intoxicating or malt liquors.
- Vagrants. § 19. They shall have power to restrain and prohibit vagrants, mendicants, beggars and prostitutes, and to provide for the arrest and punishment of any person or persons found intoxicated in any street, alley or other public place in said town.
- Stables, packing houses. § 20. They shall have power to direct the location and regulate the construction and management, of tanneries, blacksmith shops, foundries, livery stables and packing houses; to direct the location, and regulate the construction and management of, or to restrain, abate and prohibit, within said town and to the distance of one mile from the limits thereof, breweries, distilleries, slaughtering establishments, establishments for rendering lard, tallow, offal and such other substances as may be rendered or tried, and other establishments or places where nauseous, offensive or unwholesome business may be carried on.
- Fires, engines, fire companies. § 21. They shall have power to make such regulations for the prevention and extinguishment of fires, as they may deem expedient, and for that purpose they shall have power to procure fire engines and such other apparatus as are usually employed for the extinguishment of fires, and shall have the charge of the same. They shall also have power to organize fire, hook, hose, axe and ladder companies, and to make rules and regulations for the government of the same.
- Boundaries. § 22. They shall have power to enlarge the boundaries of the town by ordinance: *Provided*, that they shall not pass any ordinance for enlarging the boundaries of said town until they shall have submitted the question of such proposed enlargement to a vote of the qualified voters of said town and all legal voters residing within such proposed enlargement, and shall have been authorized by a majority of such persons voting at said election to make such enlargement.
- Proviso. § 22. They shall have power to enlarge the boundaries of the town by ordinance: *Provided*, that they shall not pass any ordinance for enlarging the boundaries of said town until they shall have submitted the question of such proposed enlargement to a vote of the qualified voters of said town and all legal voters residing within such proposed enlargement, and shall have been authorized by a majority of such persons voting at said election to make such enlargement.
- Ordinances. § 23. They shall have power to make all ordinances which may be necessary and proper for carrying into effect the powers and authority conferred on them by the provisions of this act, or which may be necessary for the better regulation of the internal police of said town, not inconsistent with the constitution of this state or the United States, and to cause the same to be executed; they shall also have power to impose fines and penalties for the breach of any
- Fines.



law or ordinance of said town, or of any provision of this act, and to provide for the recovery and enforcement of any such fines and penalties: *Provided*, that in no case shall any fine for any one offense exceed the sum of one hundred dollars; nor shall they impose a penalty of imprisonment in the jail of the town or county, for any one offense, of more than six months.

§ 24. The president shall preside at all meetings of the board, when present, and in case of his absence from any meeting, the members of the board present shall appoint one of [their] number chairman, who shall preside at that meeting. The president, or any two (2) members of the board, may call a special meeting of the board. The president shall be active and vigilant in enforcing the laws and ordinances for the government of said town; he shall inspect the conduct of all subordinate officers, and cause negligence or willful violation of duty to be punished; he shall have power and authority to call on all male inhabitants of said town, over the age of twenty-one years, to aid in enforcing the laws and ordinances of said town; and any and every person who shall neglect or refuse to obey such call shall forfeit and pay to said town the sum of not less than 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.

§ 25. At the first election under this act for trustees of said town, and every four years thereafter, there shall be elected a police magistrate of said town, who shall be, *ex officio*, a justice of the peace for the county of Douglas; he shall qualify in the same manner and be subject to the same penalties that are provided by the general laws of this state for other justices of the peace; he shall hold his office for the term of four (4) years, and until his successor shall be elected and qualified; he shall possess and may exercise all the powers, jurisdiction and authority that other justices of the peace of the county of Douglas might have and exercise in similar cases.

§ 26. Said police magistrate shall be a conservator of the peace for the said town of Arcola, and shall have exclusive original jurisdiction, except as herein otherwise provided, in all cases arising out of or under the laws or ordinances of said town, or this act, and shall, in such cases, possess and may exercise all the rights, powers and authority now conferred on police magistrates by virtue of an act entitled "An act for the better government of towns and cities, and to amend the charters thereof," approved February 27, 1854. Whenever, after the passage of this act, there shall occur a vacancy in the office of police magistrate of said town, the board of trustees of said town shall, within



twenty (20) days from the occurring of any such vacancy, call an election to fill the same, and the person so elected shall hold his office until his successor shall be elected and qualified.

Magistrate's fees.

§ 27. He shall, in all cases, be entitled to the same fees and emoluments that are by laws of this state allowed to other justices of the peace for similar services. In case of the absence of said police magistrate, or of his inability, any other justice of the peace of said county of Douglas, having an office in said town, shall have the same jurisdiction, power and authority, under the laws and ordinances of said town, as the police magistrate possesses in like cases.

Rules of practice

The rule of practice and proceeding in all cases arising out of the laws and ordinances of said town, shall conform to the practice and proceeding before other justices of the peace, except cases where such rules of practice and proceeding shall be changed or modified by the laws, ordinances or charter of said town, in which case the rule of practice or proceeding shall conform to the rule prescribed by such laws, ordinances or charter.

Change of venue

§ 28. In all cases arising under any ordinance of said town, or under this act, changes of venue and appeals shall, when applied for, be allowed to the circuit court of the said county of Douglas, in the same manner as is provided in other cases before justices of the peace: *Provided*, that in all cases arising out of any ordinance of said town, or under this act, if either party wishes to appeal, he or they shall give notice, in writing, thereof to the justice of the peace before whom the case was tried, on the day of the trial thereof, and shall file the necessary appeal bond with such justice of the peace within five (5) days from the day of trial.

Proviso.

Appeals.

Powers of town constable.

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

When any constable may act.

§ 30. In all cases arising under the laws or ordinances of said town, any constable of the county of Douglas shall have the same right, power and authority to serve or execute any process issued therein, original or otherwise, that the said town constable would possess. Whenever the said constable of said town shall see any person or persons engaged in

any assault, assault and battery, riot, rout, affray, disturbing the peace of the inhabitants of said town, disturbing any public meeting, religious or otherwise, or unlawful assemblages of any kind within said town, it shall be his duty to make immediate arrests of such person or persons, on view, without warrant; and in all such cases, any constable of the county of Douglas shall have the same power of arresting, without warrant, as the said town constable in such cases would possess; and in all such cases, in arrest without warrant, the constable making such arrest shall forthwith take such person or persons before the police magistrate of said town, or in case of his absence or inability to act, before any justice of the peace having an office in said town, and shall inform such police magistrate or justice of the peace of the nature of the offense for which such person or persons were arrested, and the said police magistrate or justice of the peace shall thereupon institute a suit against such person or persons, and proceed therein in all respects the same as if such person or persons had been arrested and brought before him under warrant duly issued. The town constable shall faithfully perform all other acts and duties required of him by the laws and ordinances of said town.

Arrests without  
warrant.

§ 31. Until the board of trustees of the said town of Arcola shall provide, by ordinance, for enforcing the collection of taxes due said town, the same shall be collected in the same manner provided in the ninth (9) section of an act entitled "An act to incorporate towns and cities," approved February 10, 1849, for the collection of other corporation taxes.

Tax, how col-  
lected.

§ 32. All prosecutions under the laws and ordinances of said town of Arcola, for assault, assault and battery, affrays, riot, rout, disturbing the peace of the inhabitants of said town, disturbing any public meeting, religious or otherwise, unlawful assemblages of any kind; and in cases in which the penalty attached by the laws or ordinances of said town is imprisonment in the jail of the town or county, shall be, except in cases of arrest without warrant, as hereinbefore provided, commenced by complaint and warrant, in the same manner prescribed by the laws of the state for the regulation of criminal proceedings in justices' courts; and in all such cases the rules of practice and proceeding shall be the same as are prescribed in such cases for justices' courts by the laws of this state, except where the laws and ordinances of said town prescribe new rules or different rules of practice or proceeding, in which case the rules of practice or proceeding shall conform to the rules prescribed by the laws or ordinances of said town.

Manner of suits.

§ 33. In all other cases for violating the laws or ordinances of said town, the penalties or penalty therefor shall be recovered by an action of debt, in the name of the president and trustees of the town of Arcola; and in all such

Penalties, how  
recovered.

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

When warrant to  
issue.

Actions of debt.

§ 34. 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.

Witnesses.

§ 35. 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 officers of said town, shall be a competent witness for either party in any suit for the violation of the laws or ordinances of said town.

Execution  
judgment.

or.

§ 36. Upon the rendition of any judgment for a breach of any law or ordinance of said town, the police magistrate or other justice of the peace rendering such judgment shall forthwith issue an execution for the amount of such judgment and cost of suit, which may be levied upon and collected out of any property of defendant or defendants, not



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

*Capias to issue.*  
*Imprisonment.*

*Proviso.*

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

*Private property*  
*when taken for*  
*streets.*

*Award of bene-*  
*fits and damages*



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

Transcript of  
proceedings.

Ordinances in  
force.

§ 38. All ordinances and resolutions heretofore passed by the president and trustees of said town of Arcola, which are not inconsistent with this act, shall be and remain in full force and effect until the same shall be repealed by the board of trustees hereby created; and all actions, fines, penalties and forfeitures which have accrued to the president and trustees of said town, or which may hereafter accrue to them prior to the taking effect of this act, shall be vested in and be prosecuted and recovered by the corporation hereby created.

Property vested  
in town.

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

When verdict set  
aside.

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

Proviso.

Record of clerk.

§ 41. The president and trustees shall require their clerk, and it shall be his duty to make and keep a full and faithful

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

Ordinances to be  
made public.

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

Assault and bat-  
tery.

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

APPROVED February 16, 1865.

In force Feb. 16, 1865. AN ACT to amend the charter of the town of Atlanta, empowering the president and trustees of said town to build a jail or prison, to make sidewalks, to levy and collect taxes for the same, to amend sections 23 and 26 of said town charter.

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 Atlanta have power to build

Borrow money  
to build jail.

and maintain within the corporate limits of said town a jail or place of imprisonment, and to borrow money for the construction of the same, not to exceed one thousand dollars, and to levy a tax on the real, personal and mixed property of the said town for the payment of the same, to be collected as other taxes.

Sidewalks.

§ 2. The said president and trustees shall have power to pass such ordinances providing for the construction of sidewalks and crosswalks, as the interests of the said town of Atlanta may require; and if said president and trustees shall at any time determine, by ordinance duly passed and published, to have the sidewalks of any street or streets, or any part of the streets of said town, paved or planked, said president and trustees may, by ordinance, require the respective owners of the lot, or lots, or ground, in front of which pavement or plank walks are to be made, to plank or pave the same, in accordance with the ordinances of said president and trustees; and if the sidewalks in front of any lot, or piece of ground, shall not be made when directed as aforesaid, said president and trustees may cause the sidewalks in front of any such lot, or piece of ground, to be made, and the costs thereof to be ascertained and determined by the president and trustees, and shall be charged against the owner or owners of 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, or in an action of assumpsit or attachment before any court of competent jurisdiction; and after the sidewalks shall be made, as above provided, said president and trustee may provide by ordinance that such sidewalks, and all heretofore made by any ordinance of said president and trustees, shall be kept in repair, by a special tax upon the lots or pieces of ground in front of which sidewalks are made. The president and trustees of said town shall have power and authority to levy upon and collect a tax, and to appoint a collector for the same, upon property, real, personal and mixed, in said town, which now or may hereinafter be subject to taxation for state or county purposes, not exceeding seventy-five cents per annum upon one hundred dollars valuation thereof, and assess and enforce the collection of the same by any ordinances not repugnant to the constitution of the United States or the state of Illinois; or the said president and trustees may, if they think proper so to do, by ordinance, and adopt the annual assessment made of the property of said

Collection of  
cost of walk.

Annual tax.



town by the county assessor, and cause the same to be collected by the county collector.

§ 3. That section twenty-three of said charter of said town of Atlanta be so amended as to read as follows: "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 trustees of said town of Atlanta, upon complaint of any person before the justice of the peace of said town; the process to be by warrant, returnable forthwith, the same as provided by the statute law of the state of Illinois, or without warrant, where the offense comes under the sight of the township constable of said town. The party accused, in all such cases, shall remain in the custody of the officer until such suit is disposed of, and the fines and costs, if any, imposed upon him, or them is paid, or otherwise disposed of, according to law, unless he or they shall enter into a recognizance, with good security, before final judgment in the cause, before the justice of the peace, in double the amount of the penalty that may be inflicted upon him or them, conditioned that he or they will pay the judgment and costs [which] may be rendered against him or them; and in default of such bail the officer may commit the party accused to the jail or prison in the said town of Atlanta; if no jail or prison in said town, then 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 is under arrest. The recognizance shall be filed in the office of the justice of the peace, and, in case of the forfeiture, shall be transmitted by him to the clerk of the board of trustees of said town."

Sec. 23 amended.

Recognizance.

§ 4. That section twenty-six of the charter of the said town of Atlanta be so amended that the president and trustees of said town of Atlanta shall have power to provide, by ordinance, for the punishment of offenders, by imprisonment in the jail or prison in said town of Atlanta; if no jail or prison in said town of Atlanta, then to be imprisoned in the county jail, or be compelled to labor on the public streets of the said town of Atlanta, in all cases where such offenders shall fail or refuse to pay any fine or forfeiture recovered against him or them, for the breach of any ordinance of said town of Atlanta: *Provided*, that such imprisonment shall not exceed nor be for longer duration than at the rate of twenty-four hours for every three dollars of fines and costs, or be compelled to labor on the public streets for a longer period of time than one day for every one dollar of fine and costs; imprisonment in no case to exceed thirty days, or labor in no case to exceed — days for any one fine and costs, to be worked out under the supervision of the street commissioner, as may be provided by ordinance of said president and board of trustees of said town.

Sec. 26 amended.

Proviso.



§ 5. That all sections and parts of sections of the said charter of the said town of Atlanta, in conflict with the foregoing amendments, are hereby repealed.

§ 6. This act shall be in force from and after its passage.  
APPROVED February 16, 1865.

In force Feb. 16,  
1865.

#### AN ACT to incorporate the town of Auburn.

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 Auburn, in the county of Sangamon, and state of Illinois, be and they are hereby constituted a body politic and corporate, by the name and style of the "Town of Auburn," and by that name shall have perpetual succession, and may have and use a common seal, which they may change and alter at pleasure.

§ 2. The said town of Auburn is situated in the north-east quarter of section number ten, township thirteen north, range six west of the third principal meridian, comprising the town of Wineman, with Wineman's addition, and the town of New Auburn, with Buck's addition to New Auburn.

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

#### ARTICLE II.

##### OF THE TOWN COUNCIL.

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

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

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

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

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

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

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

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

§ 9. No vacancies that shall occur in the town council shall be filled by election.

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

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

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

### ARTICLE III.

§ 1. There shall be elected in the town of Auburn, by the qualified voters thereof, on the first Monday of April, 1865, and on the first Monday of April biennially forever thereafter, a police justice and a town constable, who shall hold their offices for two years, and until their successors shall be elected and qualified. Police justice.

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

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

Duties of police  
justice.

§ 4. The police justice shall be commissioned by the governor of the state of Illinois, as justice of the peace, and as such give bond and take and subscribe the same oath of office as other justices, and as such shall be a conservator of the peace for said town, and shall have power and authority to administer oaths, issue writs and processes, to take depositions, 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 in all cases whatsoever with other justices of the peace, arising under the laws of this state, and shall be entitled to the same fees for his services as other justices of the peace in similar cases.

Duties of town  
constable.

§ 5. The town constable, shall have power and authority, and be entitled to such fees, and be placed under such bond, conditioned for the faithful performance of the duties of his office, as may be prescribed by the ordinances of the the corporation hereby created, and shall have the same power and authority, in all cases arising under the laws of the state, as other constables of the county, and shall have the right to serve process as other constables, at any place within the limits of the county of Sangamon. The jurisdiction and power hereby given and conferred to the said police justice and constable, and such as has been or may be conferred by acts of the legislature on other incorporated towns and cities, and none other.

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

#### ARTICLE IV.

##### OF ELECTIONS.

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

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

## ARTICLE V.

## OF THE LEGISLATIVE POWERS OF THE COUNCIL.

§ 1. The town council shall have power and authority <sup>Powers of town council.</sup> to levy and collect taxes upon all property, real and personal, within the limits of the town, not exceeding — upon the assessed value thereof, and may enforce the payment of the same in any manner to be prescribed by ordinance, not repugnant to the constitution of the United States [or] of this state.

§ 2. The town council shall have power to appoint a clerk, treasurer, assessor, and supervisor of streets, and all such other officers as may be necessary, and to require of all officers appointed under, in pursuance of this charter, bonds, with such penalties and security for the faithful performance of their duties as may deemed expedient.

§ 3. Also, to require all officers appointed, as aforesaid, to take an oath for the faithful performance of the duties of their respective offices, before entering upon the discharge of the same.

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

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

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

§ 7. To open, alter, abolish, extend, grade, pave, or otherwise improve and keep in repair streets and alleys.

§ 8. To erect and keep in repair bridges.

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

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

§ 11. To license, tax and regulate auctioneers, hawkers, peddlers, brokers and pawnbrokers.

§ 12. To license, tax, regulate and suppress theatrical and other exhibitions, shows and amusements.

§ 13. To prohibit and suppress tippling houses, dram shops, gaming houses, bawdy houses, and other disorderly houses, and to prohibit the sale of vinous, spirituous, mixed or malt liquors, or other intoxicating drinks.

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

§ 15. To prohibit the running at large of hogs and other stock; to prohibit the keeping of any stallion or jackass, and to regulate the same within the limits of said town.



§ 16. To provide for the inspection of, weighing of hay and stone coal, and for the measurement of wood and fuel sold in said town.

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

§ 18. To regulate the election of town officers, and to provide for removing from office any person holding an office created by ordinance.

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

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

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

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

§ 23. The style of the ordinances of the town shall be: "*Be it ordained by the Town Council of the Town of Auburn.*"

§ 24. All ordinances passed by the town council shall, within one month after they should have been passed, be published in some newspaper published in the town, or in some other way, to be provided by ordinance, in case no newspaper is published in the town, and shall not be in force until they shall have been published as aforesaid.

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

## ARTICLE VI.

### OF THE PRESIDENT.

Duties of 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 town council, may call special meetings of the town council.

§ 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 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. Posse.

§ 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. Exhibit of books

## ARTICLE VII.

### OF PROCEEDINGS IN SPECIAL CASES.

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

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

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

§ 4. The police justice shall have power, for good cause shown, within ten days after any inquest shall have been returned to him, aforesaid, to set aside the same, and cause a new inquest to be made.

§ 5. The town council shall have power, by ordinance, to levy and collect a special tax on holders of lots on any street or alley, or any part of any street or alley, according to the respective fronts owned by them, for the purpose of paving or grading the sidewalk of such street or alley. Special tax.

## ARTICLE VIII.

§ 1. The inhabitants of the town of Auburn 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.

Street labor.

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

Punishment of offenders.

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

Annual statement.

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

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

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

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

§ 8. All property, real and personal, belonging to the president and trustees of the town of Auburn, for the use of the inhabitants of said town, shall be and they are hereby declared to be vested in the corporation hereby created.

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

§ 10. The president and trustees of the town of Auburn shall, immediately after the passage of this act, take measures to promulgate this law within the limits of the town of Auburn, and issue their proclamation for the election of officers, and cause the same to be published by written no-



tices, or any newspaper in said town, two weeks before the election of said officers.

§ 11. 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 Sangamon county; and every such appeal shall be taken and granted in the same manner and with like effect as appeals are taken from and granted by justices of the peace to the circuit court in similar cases, under the laws of this state. Appeals allowed.

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

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

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

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

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

APPROVED February 16, 1865.

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AN ACT to incorporate the town of Barrington, in the counties of Cook and Lake, and to legalize the election of town officers therein. In force Feb. 16, 1865.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That the* Name and style.  
inhabitants and residents of the towns of Barrington and Cuba, in the counties of Cook and Lake, are hereby constituted and declared a body politic and corporate by the name and style of "The President and Trustees of the Town of Barrington;" that the said town shall consist of and include in its boundaries the tracts of land known as the east half of the south-east quarter of section thirty-five (35) and the south-west quarter and the west half of the south-east quarter of section thirty-six (36), township forty-three, north, range nine east, in the county of Lake; and the east half of the north-east quarter of section two (2) and the north-west quarter and the west half of the north-east quarter of section one (1), township forty-two north, range nine east, all in the state of Illinois. Boundaries.



Prior elections  
valid.

§ 2. That the election which was held in said town, for the incorporation thereof, on the eighteenth day of November, A. D. 1863, and also the subsequent election for 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.

Trustees.

§ 3. The board of trustees of said town are hereby granted by this act, and shall have power to carry out all the corporate powers and duties on all the before described tracts of land lying in the county of Lake, the same as they would have if all were in the county of Cook, for all corporate purposes, and no other.

Annual election.

§ 4. On the third Monday in March, A. D. 1865, 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. They shall be citizens of the United States, twenty-one years of age, shall possess a freehold estate within the limits of the corporation, and shall have resided therein at least one year next preceding said election. Also, there shall be elected at the same time and place, one assessor, one collector and one street commissioner, who shall hold their offices for one year, and until their successors are chosen; and also, there shall be elected at the same time and place, one town justice and one constable, who shall hold their offices for two years, and until their successors are elected.

Officers.

Appointment of  
other officers.

§ 5. Said board of trustees shall have power to appoint all officers in addition to those elected as they may judge necessary for carrying into effect the power conferred upon said corporation by this act. No person shall be allowed to vote at said elections unless he is a qualified voter for state and county officers.

Style of ordi-  
nances.

§ 6. The style of the ordinances of said board shall be "Be it ordained by the President and Trustees of the town of Barrington." All ordinance passed by the board, before taking effect, shall be posted in at least three of the most public places within the corporation, at least ten days. The inhabitants of said town are exempt from road or street labor beyond the corporation limits of said town. Lands used and cultivated for agricultural purposes of the amount of over five acres or more, in any one piece, or lot, within the corporate limits, shall not be subject to a corporate tax, except for road purposes. The five acres liable for corporation tax shall contain the homestead.

§ 7. The board of trustees, by ordinance, shall have Gambling. power to prohibit and restrain all descriptions of gambling and fraudulent devices, and to suppress and prohibit billiard tables, pigeon holes, ball alleys, and all other gaming establishments.

§ 8. To regulate partition fences, and to provide for the Partition fences. inspection and weighing of hay and stone coal, and the Hay and coal. measurement of wood and fuel to be used in said town.

§ 9. To have exclusive power over the streets, avenues, Streets. sidewalks and alleys, and to remove and abate any obstructions and encroachments therein, and to compel all persons Nuisances. to keep the snow and ice and dirt from the sidewalks in front of the premises occupied by them.

§ 10. To open, establish, alter, widen, extend, abolish, grade Alter streets. or vacate, or otherwise improve and keep in repair streets, alleys and lanes in said town, and to erect, maintain and keep in repair bridges, drains and culverts.

§ 11. To provide for the erection of all needful buildings Town buildings. for the use of said town, and to provide for the inclosing, laying off, improving and regulating all public grounds and burial grounds belonging to said town.

§ 12. To prevent and regulate the running at large of Dogs at large. dogs and sluts, and authorize the destruction of the same when at large contrary to any ordinance, and to impose penalties unto the owners and keepers thereof.

§ 13. To license, regulate, prohibit and suppress the Doggerles. 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.

§ 14. All fines or moneys collected for violation of or Fines. ordinance license granted under the provisions of this act shall be paid into the town treasury for the use of the inhabitants of said town corporation.

§ 15. The assessor shall perform all the duties in relation to the assessing of property for the purpose of levying Assessor's duty. 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 township assessors, and be subject to the same liabilities.

§ 16. The jurisdiction, power and authority of the town Jurisdiction of constable. constable for the town of Barrington be and the same are hereby extended and made concurrent with all other constables of Cook county, elected under the general state law.

§ 17. The justices of the peace shall take the same oath, Justices of the peace. execute the same bond, and be clothed with the same power, authority and jurisdiction and be subject to the same liabilities as the justices of the peace within the state.

§ 18. The said board of trustees shall have power to Ordinances. pass such ordinances providing for the construction of side-

walks and cross walks as the interest of said town may require; and if they shall at any time determine, by ordinance duly passed and published, to have the sidewalks of any street or streets, or 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, 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 trustees may cause the sidewalks in front of 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.

**Street labor.**

§ 19. The president and trustees, for the purpose of keeping the streets, alleys, lanes, avenues and highways in repair, may require every male inhabitant of said town over the age of twenty-one years and under fifty, to labor on such streets, lanes, alleys, avenues and highways, not exceeding three days in each year; and every person failing or refusing to perform such labor, after being notified, as provided by ordinance, shall forfeit and pay one dollar per day for each day so neglected and refused.

**Record of commissioner.**

§ 20. It shall be the duty of the street commissioner personally to superintend all the duties which devolve 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.

**By-laws.**

§ 21. 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 management, government and direction of said corporation, not contrary to the laws of this state or of the United States.

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

APPROVED February 16, 1865.



AN ACT to change the name of the town of Benton to that of Williams- In force when  
ville, and incorporate the same. voted for.

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 Benton, in Sangamon county, be and the same is hereby changed to that of Williamsville. Benton changed to Williamsville

§ 2. That the inhabitants of the said town of Williams- Name and style.  
ville are hereby constituted a body politic and corporate, by the name and style of "The President and Trustees of the Town of Williamsville," and by that name and style shall 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.

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

§ 4. That the boundaries of said town corporation shall Boundaries.  
be as follows, to-wit: Beginning at the northeast corner of the southwest quarter of the northeast quarter of section four (4), in township seventeen (17) north, of range four west of the third principal meridian; thence west one-half mile; thence south one-half mile; thence east one-half mile; thence north one-half mile, to the place of beginning; and all the land within said limits shall be considered as the town of Williamsville.

§ 5. That there shall, on the first Monday in May next, Annual election.  
and on the first Monday of May thereafter, annually, be elected five trustees for said town, who shall hold their offices for one year and until their successors are elected and qualified, and notice of the time and place of the first election shall be given by an acting justice of the peace, and any eight legal voters of said town, by posting up at least four notices in the most public places in said town, or by publishing the same in any newspaper published in the place, at least ten days before the time of holding the same; and annually thereafter, notices of election shall be given by the president and trustees by publication in a newspaper, if any shall be published in said town, or by posting four notices in public places in said town, giving the same time of notice as aforesaid. No person shall be elected trustee in said town who shall not be entitled to vote for state and county officers, and who shall not have been for one year



previous to such election, a *bona fide* resident within the incorporated limits of said town, and shall have paid taxes within the same.

Who may vote.

§ 6. That at any election for trustees, every person who shall be qualified to vote for state officers, and who shall have a residence for six months previous to such election within the limits of said corporation, may enjoy the right of an elector.

Quorum.

§ 7. That the trustees shall elect one of their number president, and shall be judges of the elections and returns of their own members, a majority of whom shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and compel the attendance of absent members in such manner and under such penalties as they may provide, and punish their members for disorderly conduct, and by vote of three-fourths of their whole number elected, expel a member and make such other rules and regulations for their government as to them may seem proper and expedient; and shall have power to fill any vacancy in the board of trustees occasioned by death, resignation, continued absence from town for three months or otherwise.

Streets and alleys.

§ 8. The president and trustees of said town shall have power to cause all the streets, alleys and public roads within the limits of said town to be kept in good repair, and to this end they shall require every male resident of said town over the age of twenty-one years to labor on the same, not exceeding three days in each and every year, and if such labor be insufficient for that purpose, to appropriate so much from the general fund of the corporation as they shall deem necessary therefor.

May levy and collect tax.

*Second.* To levy and collect taxes upon all property, real and personal, within the limits of said corporation, not exceeding one-half of one per cent., per annum, upon the assessed valuation thereof, and may enforce the payment thereof in any manner to be prescribed by ordinance, not repugnant to the constitution of the United States and of this state; but until they provide by ordinance for enforcing the payment thereof, they shall be collected in the manner provided in the ninth section of an act entitled "An act to incorporate towns and cities," approved February 10, 1849, for the collection of other corporation taxes.

Cattle at large.

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

Dogs at large.

*Fourth.* To prevent and regulate the running at large of dogs and authorizing the destruction of the same when at large contrary to any ordinance.

*Fifth.* To regulate and prohibit any indecent exposure of person.

*Sixth.* To prevent horse racing, or any immoderate riding or driving, within the limits of said town, of horses or other animals; to prohibit the abuse of animals; to compel persons to fasten their horses or other animals attached to vehicles, or otherwise, while standing or remaining in any street, alley, public square, vacant lot or public road in said town. Fast driving.

*Seventh.* To establish and maintain a public pound, and to appoint a pound master and prescribe his duties. Pound or stray pen.

*Eighth.* To restrain and prohibit all descriptions of gambling and fraudulent abuses, and to suppress and prohibit billiard tables, ball-alleys, and all other gambling establishments, and all lotteries and sale of lottery tickets. Gambling.

*Ninth.* To suppress and prohibit disorderly houses or groceries and houses of ill fame. Doggeries and fancy houses.

*Tenth.* To license, regulate, suppress and prohibit all exhibitions of common showmen, shows of every kind, caravans, circuses and exhibitions and amusements. Shows.

*Eleventh.* To prevent, suppress and prohibit any riot, affray, disturbance of the peace by loud and unusual noises, or any disorderly conduct, disorderly assemblages, assaults, assaults and batteries, firing of squibs, rockets, guns or other combustibles or firearms, within the limits of said town. Riots.

*Twelfth.* To abate and remove nuisances, and to punish the authors thereof, and to define and declare what shall be deemed nuisances. Nuisances.

*Thirteenth.* To make regulations to prevent the introduction of contagious diseases into the town, and execute the same, for any disease, not exceeding one mile from the limits thereof. Disease.

*Fourteenth.* To regulate the storage of gunpowder and other combustible materials; to provide for the prevention and extinguishment of fires, and to organize and establish fire companies; to provide the town with water for the extinguishment of fires and for the convenience of the inhabitants. Powder.

*Fifteenth.* To provide for the inclosing, improving and regulating all public grounds or other lands belonging to said town. Public grounds.

*Sixteenth.* To open, alter, vacate, and widen, extend, establish, grade, pave or otherwise improve any streets, avenues, lanes, alleys or side-walks, within the limits of said town. Streets and alleys.

*Seventeenth.* To provide for the erection of all needful buildings for the use of said town. Town buildings.

*Eighteenth.* To make all the necessary regulations to secure the general health of the inhabitants thereof. General health.

*Nineteenth.* To suppress and prohibit the selling, bartering, exchanging and trafficking in wines, gin, rum, brandy, whisky, beer, or other intoxicating beverages, within the limits of said town: *Provided*, that they may allow drug- Spirituuous liquors.  
Proviso.

gists to sell the same in good faith for purely medicinal, mechanical or sacramental purposes, but for no other purpose.

Pay of officers.

*Twentieth.* To appropriate and provide for the payment of any debts or expenses of the town, and to fix the compensation of town officers.

Ordinances.

*Twenty-first.* To make all ordinances which shall be necessary and proper for carrying into execution the powers specified in this act, or which they may deem necessary or expedient for the better regulation of the internal police of said town, and to execute the same, and to impose fines, forfeitures and penalties for the breach of any ordinance or any of the provisions of this act; and to provide for the recovery and appropriation of such fines and forfeitures and the enforcement of such penalties: *Provided*, that in no case except for assault, assaults and batteries, riots and affrays, shall any such fine exceed the sum of twenty-five dollars for any offense.

Proviso.

Police magis-  
trate.

§ 9. That at the election in said town to be held on the first Monday in May next, there shall be elected, in addition to the officers whose election is already provided for by this act, one police magistrate, to be elected and qualified, as provided by an act entitled "An act for the better government of towns and cities, and to amend the charters thereof," approved February 27, 1854, and all the provisions of said act are hereby declared applicable to the officer whose election is herein provided for.

Town constable.

§ 10. That the president and trustees of said town shall have power to appoint a town constable for said town, whose duty it shall be, when so appointed and sworn into office, to execute any writ, process or precept, anywhere which may be issued against any person or persons for the violation of any ordinance or by-laws of said corporation, or any of the provisions of this act, and to arrest or receive any and all persons who may violate the same and take them before any justice of the peace of said town, and to collect all fines, forfeitures and penalties which may be assessed or recovered for the use of said town, and to perform any and all other duties which are now or shall hereafter be prescribed by any general statute of the state to be done by constables anywhere in Sangamon county: *Provided*, that any other constable of the county may execute any process issued by any justice of the peace by virtue of this act; also to appoint a clerk, treasurer, street commissioner, board of health, and all other officers that may be necessary, and to prescribe their duties, and may require bonds from the several officers for the faithful discharge of their duties.

Record of pro-  
ceedings.

§ 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, manner and place of publication of such by-laws and ordinances, in a book to be provided for that purpose,



and such book, purporting to be the records of the corporation of the town of Williamsville, shall be received in all courts without further proof, as evidence of all matters therein contained; and all ordinances, before taking effect, shall be published at least ten days in a newspaper published in said town, or by posting up printed copies of the same in at least four of the most public places in the town.

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

Fines and forfeitures.

Assault and battery.

Confinement in jail.



the rendition of judgment, with the same force and effect, rights and privileges to all parties as in other cases.

Pay of constable

§ 13. Any constable who may render services under this act shall be entitled to the same fees and collect them in the same manner as now is or hereafter may be required by law in other cases: *Provided*, that the president and trustees may allow such further compensation as to them may seem just and proper.

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

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

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

Election to vote  
on charter.

§ 17. This act is hereby declared to be a public act, and may be read in evidence in all courts of law or equity within this state without proof: *Provided*, that the inhabitants; legal voters, who reside within the proposed corporate limits shall, before this act goes into effect, hold an election and vote for or against said charter, which election shall be held within the proposed corporate limits, at the usual place of holding elections, twenty days notice being given by posting up notices of such election in at least ten public places in different parts of said proposed corporate limits, and in the newspaper published in the town of Williamsville. If there shall be a majority of the legal voters voting for the incorporation of the town of Williamsville, then this act shall go into effect and be in force; said election to be conducted in all respects as general elections are conducted. The supervisor, collector and assessor of the town of Williamsville, shall be judges of said election, and shall count the votes and declare the result of said election. It is hereby made the duty of the supervisor to give such notice as is hereby provided for.

APPROVED February 16, 1865.

In force Feb. 16, 1865. AN ACT to incorporate the town of Bridgeport, in the county of Lawrence, and state of Illinois.

#### ARTICLE I.

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

Name and style. habitants and residents of the town of Bridgeport, in the

county of Lawrence, and state of Illinois, be, and they are hereby constituted a body politic and corporate, by the name and style of "The Town of Bridgeport," and by that name shall have perpetual succession; and may have and use a common seal, which they may change and alter at pleasure; have power to sue and be sued, plead and be impleaded in all courts and places where justice is administered, in all actions whatsoever; 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.

Powers.

§ 2. The boundaries of said town shall include, within their limits, all of that district of country known as follows, viz: The east half of section eight, (8,) and the west half of section nine, (9,) all in township three (3) north of range twelve, (12,) west of the second principal meridian.

Boundaries of town.

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

Additions.

## ARTICLE II.

§ 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.

Trustees elected annually.

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

Quorum.

§ 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.

Oath of trustees.

## ARTICLE III.

- Annual election of magistrate.**     § 1. There shall be elected, in the town of Bridgeport, by the qualified voters thereof, on the first Monday of April, 1865, and on the first Monday of April annually forever thereafter, a police magistrate and a town constable, who shall hold their respective offices for one year, and until their successors shall be elected and qualified.
- § 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.
- Election precinct.**     pre- § 3. For the election of five trustees, a police magistrate and town constable, the town of Bridgeport is hereby declared an election precinct.
- Commission of of magistrate.**     § 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 depositions and acknowledgments of deeds, mortgages and other instruments of writing, and certify the same as other justices of the peace; and he shall have exclusive 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 the same fees for his services as other justices of the peace, in similar cases: *Provided*, that upon the necessary oath being made by the defendant, as required by law governing justices of the peace, a change of venue shall be granted in all cases from the police magistrate of the town to the nearest justice of the peace, who is hereby invested, in such cases, with all the authority of the police magistrate; and he shall proceed to try the same: *Provided, also*, that in the event of absence, sickness, death or resignation of the police magistrate, the next nearest justice of the peace of Lawrence county, to be invested with all the powers conferred upon the police magistrate by the provisions of this act.
- Jurisdiction.**
- Proviso.**
- Proviso.**
- Powers of constable**     § 5. The town constable shall have the same powers 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.
- Maintenance of of magistrate.**     § 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, mal-conduct or partiality in the discharge of the duties of his office, he shall be liable to be indicted in the circuit court of Lawrence county, and, on conviction, shall be fined in any sum not exceeding two hundred dollars, and removed from office.

#### ARTICLE IV.

§ 1. On the first Monday of April, 1865, an election shall be held in said town of Bridgeport for five trustees; 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 on the first Monday of April, 1865, and on the first Monday of April of each year forever thereafter, an election shall be held for the election of one police magistrate and town constable for said town, 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 A. M., and close at four o'clock P. M., of said day; and for the purposes of said first election M. D. Frazer, Gideon Schlenker, Lyman Utter, G. W. Cooper, jr., and Willard Lockwood, are hereby constituted corporate trustees for said town.

Annual election  
of five trustees.

§ 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 Lawrence 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.

First election.

§ 3. A failure to hold said first election on the first Monday of April, in the year 1865, 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 1865, by giving ten days' notice and conducting the same, as prescribed in section two of article four of this charter.

Elections.

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

Tie vote.



Legal voters.

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

## ARTICLE V.

Levy and collect taxes.

§ 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.

Officers.

§ 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.

Moneys, how expended.

§ 3. To appropriate money, and provide for the payment of the expenses of the corporation; and all moneys arising from fines, forfeitures and penalties for a breach of any of the ordinances of the said town of Bridgeport; and all moneys arising from licenses, taxes and assessments, and all moneys borrowed by the board of trustees, shall be paid into the town treasury, and go to the use of the inhabitants of the said town of Bridgeport, in their corporate capacity to be appropriated and expended by the board of trustees for the advancement, improvement and benefit of said town.

Health.

§ 4. To make regulations to secure the general health of the inhabitants of said town; to prevent the introduction of contagious diseases into the town, and to make laws for that purpose, and enforce the same within one-half mile of said town.

Wells and water.

§ 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.

Streets and alleys.

§ 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. Licenses.

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

§ 9. To provide for the inspection and weighing of hay, the measuring of fire wood and other fuel to be used or sold in the town. Hay and wood.

§ 10. To license, tax and regulate 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 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. Liquors.

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

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

§ 13. To regulate the storage of tar, pitch, rosin, gun-powder and other combustible materials. Powder, etc.

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

§ 15. To prevent the firing of guns and other combustibles or fire arms, within the limits of said town ; to prevent and restrain loud and unbecoming, profane or indecent language or other disorderly conduct in said town.

§ 16. To restrain, regulate or prohibit the running at large of cattle, horses, sheep, swine, goats, and other animals, and to authorize the destaining, impounding and sale of the same, and to prohibit any indecent exhibition of horses and other animals. Cattle at large.

§ 17. 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. Fast driving.

§ 18. To establish and maintain a public pound, and appoint a pound master, and prescribe his duties. Pound or stray pen.

§ 19. To define and declare what shall be deemed nuisances ; to punish the authors thereof ; to authorize and direct the summary abatement of nuisances, and the removal of the same one mile from the boundaries of said town. Nuisances.

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

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

- Borrow money. § 22. To borrow money on the credit of the town: *Provided*, that no sum 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.
- Election. § 23. To regulate the election of town officers, and to provide for removing from office any person holding office created by ordinance.
- Census. § 24. To provide for taking enumerations of the inhabitants of the town.
- Pay of officers. § 25. To fix the compensation of town officers; to regulate the fees of jurors, witnesses and others, for services rendered under this act or by ordinance: *Provided*, that in no case shall any member of the board of trustees receive any compensation for their services, but shall be exempt from road labor or serving on juries.
- Calaboose. § 26. The board of trustees shall have power to erect in the town of Bridgeport, 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.
- Railroad crossings. § 27. To require railroad companies to construct and keep in repair, suitable crossings at the intersections of streets and alleys, when the board shall deem necessary, and to regulate the speed of locomotive engines within the town limits.
- Ordinances. § 28. 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.
- Ordinances to be published. § 29. 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 Bridgeport, or in some other way to be provided by ordinance, in case no newspaper is published in said town, and shall not be in force until they shall have been published as aforesaid for the period of ten days.
- Style of ordinances. ordi. § 30. The style of the ordinances of the town shall be: "*Be it ordained by the President and Board of Trustees of the Town of Bridgeport.*"



§ 31. 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. Ordinances, how proven.

## ARTICLE VI.

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

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

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

## ARTICLE VII.

§ 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. Payment for private property

§ 2. Whenever all the owners of property on any 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. Opening streets.

§ 3. All jurors empaneled to inquire into the amount of benefits or damages which shall happen to the owners of property proposed to be taken for 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. Award of jury.

§ 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 the 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 VIII.

§ 1. The inhabitants of the town of Bridgeport 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.

Street labor.

§ 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 five 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 two dollars 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 supervisor, within twelve hours from the time of notice, the sum of one dollar and fifty cents per day for each day assessed.

Proviso.

Annual report.

§ 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.

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

Appeals allowed.

§ 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 Lawrence 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.

Proviso.

Suits.

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

Vacancy.

§ 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.

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

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

## A SUPPLEMENT TO ARTICLE V.

§ 32. The board of trustees shall have power and authority to open and extend Main street its full width through the entire corporate limits of said town of Bridgeport.

APPROVED February 16, 1865.

## AN ACT to incorporate the town of Bushnell.

In force Feb. 16,  
1865.

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 Bushnell in the county of McDonough, and state of Illinois, are hereby constituted a body corporate and politic, by the name and style of "The President and Trustees of the Town of Bushnell," and by that name and style shall 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.

Name and style.

Seal.

§ 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 whatever; and purchase, receive and hold property, real and personal, within and beyond the limits of said town, for burial grounds or other purposes, for the use of the inhabitants of said town, and may sell, lease or dispose of property, real or personal, for the benefit of said town, and improve or protect such property, and do all things in relation thereto as natural persons.

Powers and privileges.

§ 3. That the boundaries of the corporation of said town may be established one mile square, taking F. H. Shroder's grain elevator as a centre, with power in the board of trustees to extend said boundaries by ordinance, not exceeding three-fourths of a mile each way from said centre.

Boundaries.

§ 4. That there shall, on the first Monday in April next, and on the first Monday in April ever thereafter biennially, be elected five trustees for said town, who shall hold their offices for two years and until their successors are elected and qualified; and notice of the time and place of the first election shall be given by S. West, William Shreves, R. S. Randall, J. W. Kelly and S. H. Hamilton, or a majority of them, by posting at least four notices in public places in said town, at least ten days before the time of holding the same, and biennially thereafter notices of election shall be given by the president and trustees, by publication in a newspaper, if any shall be published in said town, or by

Election.

posting four notices in public places in said town, giving the same time of notice as aforesaid. No person shall be elected trustee in said town who shall not be entitled to vote for state and county officers, and who shall not have been for one year previous to such election, a *bona fide* resident within the incorporated limits of said town, and shall have paid taxes within the same.

Legal voters.

§ 5. 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 one month previous to such election, shall be a legal voter.

President.

§ 6. That the trustees shall elect one of their number president, and shall be judges of the elections and returns of their own members, a majority of whom shall constitute a quorum to do business, but a smaller number may adjourn from day to day and compel the attendance of absent members in such manner and under such penalties as they may provide, and punish their members for disorderly conduct, and make such rules and regulations for their government as to them may seem proper and expedient, and shall have power to fill any vacancy in the board of trustees occasioned by death, resignation, continued absence from town for three months, or otherwise.

Powers of trustees.

§ 7. The president and trustees of said town shall have power to cause all the streets, alleys and public roads within the limits of said town to be kept in good repair, and to this end they shall require every male resident of said town over the age of twenty-one years and under the age of fifty, to labor on the same not exceeding three days in each and every year; and if such labor be insufficient for the purpose, to appropriate so much from the general fund of the corporation as they shall deem necessary therefor; to levy and collect taxes upon all property, real and personal, within the limits of said corporation, not exceeding one-half of one per cent. per annum upon the assessed valuation 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; and for the collection of delinquent taxes, the act of March 1, 1854, shall be the law by which they shall be collected; to restrain, regulate and prohibit the running at large of cattle, horses, sheep, swine, goats and other animals, and to authorize the distraining, impounding and sale of the same, and to prohibit any indecent exhibition of horses and other animals; to prevent and regulate the running at large of dogs, and authorize the destruction of the same when at large contrary to any ordinance; to regulate and prohibit any indecent exposure of person; to prevent horse racing or any immoderate driving or riding 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 other-



wise, while standing or remaining in any street, alley, public square, vacant lot or public road, within the limits of said town; to establish and maintain a public pound, and to appoint a pound master and prescribe his duties; to restrain and prohibit all descriptions of gambling and fraudulent abuses, and to suppress and prohibit billiard tables, ball alleys, and all other gambling establishments; and they may by ordinance declare billiard tables and ball alleys a nuisance, and provide by ordinance for abating and removing them, if gaming is carried on upon them, whether money or other valuable thing be staked or bet upon the games or not; to suppress and prohibit disorderly houses or groceries, and houses of ill fame; to license, regulate, suppress and prohibit all exhibitions of common showmen, shows of every kind, caravans, circuses, and exhibitions and amusements; to prevent, suppress and prohibit any riot, affray, disturbance of the peace by loud and unusual noises, or any disorderly conduct, disorderly assemblages, assaults, assaults and batteries, firing of squibs, rockets, guns or other combustibles or fire arms, within the limits of said town; to abate and remove nuisances, and to punish the authors thereof, and to define and declare what shall be deemed nuisances; to make regulations to prevent the introduction of contagious diseases into the town, and execute the same for any disease not exceeding one mile from the limits thereof; to regulate the storage of gunpowder and other combustible materials; to provide for the prevention and extinguishment of fires, and to organize and establish fire companies; to provide the town with water for the extinguishment of fires and for the convenience of the inhabitants; to provide for the inclosing, improving and regulating all public grounds or other lands belonging to said town; to open, alter, vacate, widen, extend, establish, grade, pave or otherwise improve any streets, avenues, lanes, alleys or sidewalks within the limits of said town; to make all necessary regulations to secure the general health of the inhabitants thereof; to provide for the erection of all needful buildings for the use of said town; to suppress and prohibit the selling, bartering, exchanging and trafficking in wines, gin, rum, brandy, whisky, beer, or other intoxicating beverages within the limits of said town: *Provided*, they may allow it sold in good faith for purely medicinal, mechanical or sacramental purposes, but for no other purpose; and said president and trustees may regulate and license the sale of such liquors, or any of them, in any manner not inconsistent with the laws of this state; to appropriate and provide for the payment of any debts or expenses of the town, and to fix the compensation of all town officers; 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

Proviso.



internal police of said town, and to execute the same; and to impose fines, forfeitures and penalties for the breach of any ordinance or any of the provisions of this act, and to provide for the recovery and appropriation of such fines and forfeitures, and the enforcement of such penalties: *Provided*, that in no case except for assaults, assaults and batteries, riots and affrays, shall the fine be more than twenty-five dollars; to appoint a treasurer and town clerk of their own number or otherwise, and fix upon their salaries.

Election of justice and constable.

§ 8. *Police Justice and Town Constable*.—There shall be elected in the town of Bushnell by the qualified voters thereof, on the first Monday in April, A. D. 1865, and on the first Monday of April quadrennially forever thereafter, a police justice and a town constable, who shall hold their offices for four years, and until their successors are elected and qualified.

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

Election and returns.

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

Commission of justice.

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

Power of constable.

§ 12. The town constable shall have such power and authority, and be entitled to such fees, and be placed under such bond, conditioned for the faithful performance of the duties of his office, as may be prescribed by the ordinances of the corporation hereby created, and shall have the same power and authority in all cases arising under the laws of this state as other constables of the county, and shall have

the same right to serve process as other constables, at any place within the limits of the county of McDonough, process issued either by police justice or justice of the peace. The jurisdiction and power hereby given and conferred to said police justice and constable shall be the same as has been or may be conferred by acts of the legislature on other incorporated towns and cities, on all matters not herein enumerated. 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 McDonough county, and on conviction shall be fined in any sum not exceeding two hundred dollars, and removed from office.

§ 13. The first election shall be held by S. West, William Shreves, R. S. Randall, J. W. Kelly and S. H. Hamilton, or a majority of them, who shall take the oath prescribed by the statute for judges of election, and ever after by the president and trustees of the town of Bushnell, according to ordinance passed by them for elections. First election.

§ 14. The president shall preside at all meetings of the board of trustees, and shall have a casting vote and no other, and in case of his non-attendance at any meeting, the board of trustees shall appoint one of their number chairman, who shall preside at that meeting. Casting vote of president.

§ 15. The president, or any two members of the town trustees may call special meetings of the town trustees. Special meetings

§ 16. The president shall be active and vigilant in enforcing the laws and ordinances for the government of the town. He shall inspect the conduct of all subordinate officers of 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. 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. Duty of president.

#### SPECIAL CASES.

§ 17. The town trustees shall have power by ordinance to levy and collect a special tax on the holders of lots on any street or alley, or any part of any street or alley, according to their respective fronts owned by them, for the purpose of paving or grading the sidewalks of such street or alley. The inhabitants of the town of Bushnell are hereby exempted from working on any road beyond the limits of the Special tax.

town, and from paying tax to procure laborers to work on the same. Any person liable to do road work in said town, refusing or neglecting to perform said work as the trustees may require by ordinance, not exceeding the three days, shall forfeit and pay the sum of one dollar for each and every day so neglected.

Punishment of offenders. § 18. The town trustees shall have power to provide for punishment of offenders against the ordinances of said town by imprisonment in the county jail not exceeding thirty days for any offense, in all cases where the offenders shall fail or refuse to pay the fines and forfeitures which may be recovered against them, the said town paying the expense therefor until such time as said town shall provide a prison of their own, when they shall be required to use it instead of the county prison.

Annual statement. § 19. The town 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; all moneys received from fines shall be paid into the office of the treasurer of the board of trustees, subject to their order of distribution.

§ 20. The trustees may make ordinances requiring all necessary officers to carry out the requirements of this act.

Officers to be sworn. § 21. All the officers shall be sworn to support the constitution of the United States, and of this state, and the necessary oath appending to the office.

Bond of officers. § 22. All bonds required from officers not mentioned in this act, shall be given to the president and trustees of the town of Bushnell, and they, the said trustees, shall affix their compensation.

Appeals allowed. § 23. Appeal 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 McDonough county, and every appeal shall be taken and granted in the same manner and with like effect as appeals are taken from and granted by justices of the peace to the circuit court in similar cases under the laws of this state.

Vacancy. § 24. Whenever a member of the board of trustees, the police justice or town constable, or any person holding office under the corporation, shall remove from the town, resign, or die, or his office become vacated otherwise, the town trustees shall cause the same to be filled; those who are elected by election to fill out the expiring time of said office.

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

Process, how executed. § 26. The town constable, or any other officer authorized to execute writs or other process issued by the police justice, shall have power to execute the same anywhere within the county of McDonough, and shall be entitled to



the same fees as other constables in like cases.

§ 26. Should the election herein provided to be held on the first Monday in April, A. D. 1865, from any cause fail to be held at that time, it may be held on any other Monday thereafter, by giving the notice as required in section four of this act.

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

APPROVED February 16, 1865.

AN ACT to incorporate the town of Camden Mills.

In force Feb. 13,  
1865.

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 Camden, in the county of Rock Island, are hereby constituted and declared a body corporate and politic, by the name and style of "The President and Council of the Town of Camden Mills;" 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, hold and receive 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 for the use of said town; to protect and improve any such property as the public good may require.

Name and style.

Powers and privileges.

§ 2. All that district of country inclosed within the following boundaries, to wit: beginning at the southwest corner of section number twenty-three, (23), thence east on the section line between sections twenty-three (23) and twenty-six, (26), also between sections twenty-four (24) and twenty-five, (25), to the west bank of Mill creek; thence north, along the said west bank of Mill creek, to its mouth; thence north, through the cut off at the head or upper end of Vandruff's island, to Rock river; thence west, along the south or left bank of said Rock river, to where the section line, running north between sections fourteen (14) and fifteen (15) intersects said Rock river; thence south, on the section line between sections fourteen (14) and fifteen, (15), also sections twenty-two (22) and twenty-three, (23), to the place of beginning; all in township seventeen (17) north, of range two, (2), west of the fourth (4) principal meridian, shall comprise the town of Camden Mills.

Boundaries.

§ 3. The government of said town shall be vested in a president and four councilmen. The said councilmen shall be elected annually by the qualified voters of said town;

Annual election.



and no person shall be a councilman, unless at the time of his election he shall have resided in said town for the space of one year, and be twenty-one years of age; be a freeholder within the corporation, and a citizen of the United States; and upon his removal from said town, he shall vacate his office.

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

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

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

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

**Tie vote.**    § 8. On the second Monday in the month of March, 1866, and on the second Monday of March of each year thereafter, an election shall be held in said town for one president for the term of one year, and four councilmen, as aforesaid, who shall hold their offices for one year and until their successors are elected and qualified. The judges of said election shall be appointed by the president and board of councilmen; 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 incorporators shall be judges of said election, who shall appoint their own clerks, receive and canvass the votes, declare the result, furnish to each person elected a certificate of his election, certify the votes for president to the clerk of the board of councilmen and lay the poll books of such election before the board at its first meeting. All subsequent elections shall be

**Annual election.**

**Judges of election.**

held and conducted and returns made as may be prescribed by ordinance.

§ 9. All free white male 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 year before any such election. Legal voters.

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

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

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

General powers.

liable to imprisonment for offenses against the ordinances of said town; to regulate by ordinance, to license or prohibit, the importation, the manufacture or sale, within said corporation, and of storing and keeping for sale in stores, shops, or other buildings or places of doing business within the same, vinous, spirituous, malt or mixed liquors, including ale and beer, in any quantity: *Provided*, that said president and council may grant permits for the sale of spirituous, vinous, malt or mixed liquors, including ale, for medicinal, mechanical or sacramental purposes, under such regulations and rules as they may prescribe by ordinance; to provide for the erection of all needfull buildings, for the use of the town, and to provide for the inclosing, laying off, improving and regulating all public grounds, squares and burial grounds belonging to the town; to have power to fill any vacancy in the board of councilmen, occasioned by death, resignation, continued absence from town for three months, or otherwise—said office shall be filled by an election, to be ordered by the board of councilmen; to regulate and prohibit any indecent exposure of person; to prohibit the abuse of animals, and to regulate the rate of speed that horses and other animals shall be driven and rode at; to prevent, suppress and prohibit any riot, affray, disturbance of the peace, by loud or unusual noises, or any disorderly conduct in public buildings, churches, or other buildings and places, disorderly assemblages, assaults, assault and batteries; to restrain and prohibit all descriptions of gambling and fraudulent abuses, and to suppress and prohibit billiard tables, ball alleys, and all other gambling establishments, and all lotteries, and sale of lottery tickets, within the limits of the corporation; to prevent and suppress the trafficking and selling and giving away of any intoxicating liquors, whether spirituous, malt, fermented or otherwise, within one mile from the boundary of the corporation limits; to license, tax and regulate auctioneers, merchants, retailers, grocers, taverns, eating houses, butcher shops and meat shops, peddlers, brokers and money changers, teamsters, and all other trades and callings exercised within the limits of the incorporation; to forbid and punish the selling or giving away of any intoxicating or malt liquors to any minor, apprentice or servant, without the consent of the parent, guardian, master or mistress; to license, tax and regulate theatrical and other exhibitions, shows and amusements; to restrain, prohibit and suppress gambling houses and 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 stone coal and hay, and for the measurement of wood and fuel to be used in said town: to regulate the election of town officers, define their duties, and provide for the removal of any



person holding office under the ordinances; to provide for the taking of the enumeration of the inhabitants of said town; to fix the fees and compensation of all town officers, jurors, witnesses and others, for services rendered under this act, or 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 encumbering of the streets, squares, lanes and alleys of said town; to protect shade trees; to compel persons to fasten horses, mules and other animals attached to vehicles, while standing upon any square, street, lane or alley, or uninclosed lot; to prevent horses, mules and other animals, also wagons, carriages, carts or drays, from stopping or standing on the street crossings or sidewalks; to prevent the running at large of horses, mules, colts, cattle and hogs, and provide for distraining and impounding the same, and to provide for the sale of the same for any penalties 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 prohibit] the firing of squibs, fire-crackers, rockets, guns, or other combustibles or fire-arms, within the limits of said town.

§ 13. The president and board of 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 the state and the United States. The style of the ordinances shall be: "*Be it ordained by the President and Council of the Town of Camden Mills;*" and all ordinances shall, within one month after they are passed, be published in a newspaper published in said town; or, if no newspaper is printed in said town, by posting copies of the same in three public places in said town; and the certificate of the publisher of such newspaper, or of the clerk of the board, under the seal of the corporation, shall be *prima facie* evidence of such publication. No ordinance shall take effect until published or posted, as aforesaid. Ordinances.

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

§ 15. The president of the board shall preside at all meetings of the board, when present; and in case of his absence at any meeting, the board may elect a temporary chairman. He shall, at all times, be vigilant in enforcing the laws and ordinances for the government of the town; Duty of president.



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, and in carrying into effect any law or ordinance.

Police magis-  
trate.

§ 16. The first regular election for police magistrate shall be held on the second Monday of March 1865, and he shall be commissioned by the governor, and shall hold his office two years and until his successor shall be elected and qualified. Said police magistrate shall exercise all the powers within said town of a justice of the peace, and shall have jurisdiction over all cases brought before him for the violation of any ordinance of said town; and all suits for the violation of said ordinances shall be brought before, and may be tried by, either said police magistrate or any justice of the peace in said town; and appeals and writs of *certiorari* may be prosecuted from judgments in any such cases for a breach of said ordinances, in the same manner as appeals and writs of *certiorari* are now prosecuted from judgments before justices of the peace in other cases. The said president and town council shall have power and authority to prevent and punish, by ordinance, the public exhibition, on the streets, lanes and public squares, of any stud-horse or jack, and to direct how and where they shall be confined from public view.

General powers.

Sidewalks,

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

Street labor.

§ 18. The president and 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 the age of fifty years, to labor on such streets, lanes, alleys, avenues and highways, three days in each year; and every person failing

or refusing to perform such road labor, after being notified as may be provided by ordinance, shall forfeit and pay dollars per day for each day so neglected and refused. two.

§ 19. The president and council shall have power to Offenses. provide for the punishment of the offenders against the ordinances, [by] imprisonment in the county jail, in all cases where such offenders shall fail or refuse to pay the fines and forfeitures which may be recovered against them, but no fine exceeding one hundred dollars for the breach of any of said ordinances shall be imposed, nor shall any person be imprisoned, as aforesaid, more than forty-eight hours for each five dollars or fractional part thereof of said fine and costs, and said board may provide for such imprisonment in the county jail, in case they have no jail in said town.

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

§ 21. The town constable appointed under the provisions Town constable. 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 Rock Island, 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 bonds and qualify as the said board shall by ordinance prescribe.

§ 22. All suits for the recovery of penalties for the Suits. breach of any ordinance of said town shall be in the form of an action of debt in the name of "the president and council of the town of Camden Mills," before the police magistrate of said town, or in case of his absence or inability to act, before some justice of the peace of said town; and changes of venue and appeals shall be allowed as in other cases before justices of the peace; but the president and council of said corporation may, by ordinance, regulate and prescribe the form and nature of the first and any subsequent process and the mode of executing the same, and 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 the law in other cases, without other securities; and an order entered upon the records of said corporation directing said appeals shall be sufficient evidence of the authority of said clerk to sign said bonds.

§ 23. James Johnston, John Dickson, F. N. Young, First board. N. D. Bradley and G. W. Heflin shall be and are hereby appointed and constituted a board of incorporators, and shall hold their offices and perform all the duties belonging

to the within named president and town council, and hold their offices and exercise their authority until the second Monday of March, 1866, and until their successors are elected and qualified.

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

Evidence of ordinances.

§ 25. A certificate of the clerk of the board of council of said town under the seal of the corporation of the publication of any ordinance of the same shall be deemed and regarded in all courts as evidence of the publication of such ordinance according to the requirements of this act without further proof.

Election.

§ 26. If for any cause the regular election of officers, or any of them, should not be held at the time herein appointed therefor, said election may be holden at any time thereafter, to be fixed by the president and council, ten days' previous notice being first given.

§ 27. Nothing in this act contained shall be so construed as to affect, change or modify the provisions of that certain act of the general assembly, approved February 23, 1859, entitled "An act legalizing the sale of the bridges, property, franchises, etc. of the Rock Island and Camden plank road company to the city of Rock Island."

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

APPROVED February 13, 1865.

In force Feb. 16, 1865, AN ACT to authorize a vacation, resubdivision and partition of Canalport, in Cook county.

On petition commissioners may be appointed to vacate plat.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That on petition of the proprietors, of a majority in number, of the lots in the subdivision known as the town of Canalport, in the county of Cook, and state of Illinois, the circuit court of that county, in equity sitting, may appoint three commissioners to vacate the plat of said subdivision and replat and subdivide said town; and said commissioners, in their discretion, may lay out in the plat of resubdivision one or more parks or streets of extra width: *Provided*, that the other proprietors, not uniting in such petition, shall be made parties to said proceedings, and before any order is made by the court, and shall have sixty days' notice of the presentation of such petition by publication of a notice in some public newspaper in the city of Chicago, or by personal service of such notice on such of them as may reside in said



county. And said commissioners may, if they shall find it to the interest of the proprietors, to vacate the plat of said original subdivision, so divide and partition the property in the resubdivision as to allow the several proprietors thereof parts of the same of an equal value as the interests now held by them respectively. And said court may confirm the report in whole or in part, or order a resubdivision of the whole or a part of the property, as to said court shall seem just, and may make all fit orders, decrees and directions as to vacating said original plat, and the streets and alleys therein, partitioning the property between the several proprietors according to their respective interests and the legal and equitable rights of the parties; and establishing the streets and alleys, and park or parks, if any, according to the resubdivision, and designating the part or parts of such resubdivision, which alone shall be subject to any previous liens, or incumbrance or incumbrances on any part or parts of the present subdivision; and may, upon proper proof, remove all clouds on the title to any part of the property and all satisfied liens and incumbrances, if any; and may, also, order and decree how the costs and expenses of such resubdivision, and of a record of said report, with a plat of the resubdivision, and a transcript of the orders and decrees in the matter, aforesaid, with other costs and expenses to be taxed, shall be paid. And such decree shall be enforceable like other decrees in chancery in this state, and subject to the same proceedings by way of appeal or writ of error; and all persons interested, and whom it shall be desired to make parties, may be notified as above provided in respect to proprietors. Said commissioners shall, before entering upon their duties, take an oath to make such resubdivision and partition fairly and impartially, if they shall find the same advantageous to the proprietors, and they, or a majority of them, shall make report to said court under their hands and seals within four months from the date of their qualifications, and for ten days after the return of such report, they, or a majority of them, shall sit between the hours of ten A. M. and twelve at noon of each day, Sundays excepted, at some place in Chicago, to be designated in such report, to hear objections, if any there be; and during said ten days they, or a majority of them, may agree upon any amendments to such report, and report the same to the court. And said court, in its discretion, may extend the time for making such report or for taking any proceedings in the matter, or may, if it shall see fit so to do, appoint any one or more commissioners in the place of those first appointed, or in place of any one or more commissioners who may die, resign, fail or refuse to act, as aforesaid, and any two of the commissioners shall have authority to act as aforesaid in all cases.

Division of property.

Oath of commissioners.

Objections.



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

APPROVED February 16, 1865.

In force Feb. 16,  
1865.

# AN ACT to incorporate the town of Carlinville.

SECTION. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the inhabitants of all that district of country in the county of Macoupin, and state of Illinois, contained within the limits and boundaries hereinafter prescribed, shall be a body politic, under the name and style of the "City of Carlinville," and by that name sue and be sued, complain and defend in any court, make and use a common seal, and alter it at pleasure; and take and hold, purchase, lease and convey such personal and mixed estate, as the purposes of the corporation may require, within or without the limits of said city.

§ 2. The corporate limits and jurisdiction of said city of Carlinville shall embrace and include within the same, all of the territory now embraced and included within the present town of Carlinville.

§ 3. The municipal government of the city shall consist of a common council, composed of the mayor and six aldermen. The other officers of the corporation shall be as follows: A clerk, a treasurer, a street inspector, a constable, weigher and measurer, an attorney, a police magistrate, a board of assessors, a collector, and as many policemen, keepers and assistants of work houses, and such other officers and agents as may be provided for by this act, or the common council may, from time to time, decide.

§ 4. On the first Monday in the month of April, A. D., 1865, and on the first Monday in the month of April, in each year thereafter, an election shall be held in said city for one mayor and six aldermen, who shall hold their offices for one year and until their successors are elected and qualified; which first election shall commence at ten o'clock in the forenoon and close at five 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, and lay the poll books of such election before the common council, at its first meeting. At all subsequent elections, any two members of the common council shall be the judges of the same; and said election shall be held, and returns made, and conducted as may be prescribed by ordinance.

§ 5. All free white inhabitants of said city shall be entitled to vote for city officers who are qualified to vote for state officers, and who shall have resided in said city one month next before any such election. Every voter who shall be required by any person qualified to vote at any such election, 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 for one year, and a resident of this city for one month immediately preceding this election, and have not voted at this election." All persons illegally voting at any election under this act, shall be punishable according to the laws of this state.

Who are voters.

Oath.

§ 6. At the annual election in said city, on the first Monday in the month of April, A. D., 1867, and every four years thereafter, there shall be elected one police magistrate, to be elected and qualified as provided by an act entitled "An act for the better government of towns and cities, and to amend the charters thereof," approved February 27, 1854; and all the provisions of said act are hereby declared applicable to the said police magistrate.

Police  
trate.

magis-

§ 7. The president of the town of Carlinville, and the trustees thereof, shall be the mayor and aldermen of the city of Carlinville until their successors are elected and qualified. The present police magistrate shall be the police magistrate of said city until his successor is elected and qualified. All the other officers of said city shall be elected annually, by the common council, and shall hold their offices until their successors are elected and qualified.

Present officers.

§ 8. 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.

Power and du-  
ties of officers.

§ 9. The mayor shall preside over all the meetings of the common council, and take care that the ordinances of the city are duly enforced, respected and observed, and that all the executive officers of the city discharge their respective duties. He shall have a salary of not less than two hundred and not more than five hundred dollars per annum, in full compensation of all official services devolved upon him by this or any subsequent act. In case of a vacancy in the office of mayor, or of his being unable to perform the duties of his office by reason of absence or sickness, the common council shall appoint, by ballot, one of their number to preside over their meetings, whose official designation be acting mayor; and the aldermen, so appointed, shall be vested with all the powers, and perform all the duties of

Salary of mayor.

mayor until the mayor shall resume his office, or the vacancy shall be filled by a new election.

§ 10. The members of the common council shall be conservators of the peace, and shall be exempt from jury duty, and road and street labor, during their term of office.

Duty of clerk.

§ 11. The clerk shall keep the corporate seal, and make a record of the proceedings of the common council, at whose meetings it shall be his duty to attend, and copies of all papers duly filed in his office, and transcripts from the records of the proceedings of the common council, certified by him under the corporate seal, shall be evidence in all courts and other places, in like manner as if the originals were produced. He shall, also, have power to administer any oath authorized to be administered by the laws of this state, or the ordinances of said city.

Duty of attorney

§ 12. The city attorney shall, subject to the directions of the common council, conduct all the law business of the corporation. He shall hold his office in such places as the city may provide, and when required, shall furnish written opinions upon subjects submitted to him by the mayor or common council. He shall, also, draft all ordinances, bonds, contracts, leases, conveyances, and such other instruments of writing as may be required by the business of the city; and to perform such other duties as may be prescribed by the charter and ordinances of the city.

Constable.

§ 13. Every person appointed or elected to the office of constable, shall, before he enters on the duties of his office, with two or more sureties, to be approved by the common council, execute, in the presence of the clerk of the city, a bond, by which such constable and sureties shall jointly and severally agree to pay to the city of Carlinville, for the use of any person who may be entitled thereto, all such sums of money as the said constable may be liable to pay by reason or on account of any summons, execution, distress warrants, or other process, which shall be delivered to him for collection. The clerk shall certify the approval of the common council, on such instrument, and file the same; and a copy certified by the clerk, under the corporate seal, shall be presumptive evidence in all courts, of the execution thereof, by such constable and his sureties; and all actions thereon shall be prosecuted within two years after the expiration of the year for which the constable therein named was appointed or elected, and may be brought in the name of said city for the use of the person or persons entitled to the money collected by virtue of such instruments.

Duty of constable.

§ 14. The city constable shall have power and authority to execute all process issued for the breach of any ordinance of said city, and for that purpose, his power and authority shall extend over the county of Macoupin, and shall have the same power, jurisdiction and authority, within the lim-



its of said city, as other constables under the laws of this state.

§ 15. The common 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 appointed or elected to any office under this act, whose duties are not herein specifically mentioned, and to fix the fees and compensation of all officers, jurors, witnesses and others, for services rendered under this act or any ordinance. They may require bonds to be given, by all officers, to the city of Carlinville, for the faithful performance of their duties, and with such other conditions as the common council may prescribe. Suits may be brought on any such bond, or any other bonds given to said city for the breach of the condition thereof, before the police magistrate or other justice of the peace of Macoupin county, where the amount of damages, in controversy, does not exceed one hundred dollars.

Other duties of officers.

§ 16. If any person having been an officer in said city, shall not, within ten days after notification and request, deliver to his successor in office, all property, papers and effects of every description, in his possession, belonging to said city, or appertaining to the office he held, he shall forfeit and pay, for the use of the city, one hundred dollars, besides all damages caused by his neglect or refusal so to deliver. And his successor shall and may recover possession of the books, papers and property appertaining to his office, in the manner prescribed by the laws of this state.

Handing over books and papers.

§ 17. The common council shall determine the qualifications of its own members, and all cases of the 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 its own proceedings, punish a member for disorderly conduct, and with the concurrence of two-thirds expel a member. There shall be at least one stated meeting of the common council in each month, at such time and place as the common council may prescribe; and the mayor or any two aldermen may call special meetings, by notice to each member of said council, if practicable. If the mayor or any alderman shall remove from said city his office shall become vacant.

Duties and powers of common council.

§ 18. The common council shall have power and authority to levy, assess and collect a tax upon all property, real, personal and mixed, in said city, which is now or may hereafter be subject to taxation for state or county purposes, not exceeding one half of one per centum per annum upon the assessed value thereof, and may assess and enforce the collection of the same by any ordinance not repugnant to the constitution and laws of this state or of the United

Annual tax



States; or the said council may, if they think proper so to do, by order, resolution or ordinance, adopt the annual assessment made of the property in said city by the county assessor, and cause the same to be collected by the county collector.

Assessment of tax.

§ 19. If said council 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 determination so to do, which notice shall be a copy of their records, and also the rate of taxation; and upon the receipt of such notice the said tax shall be extended and collected, and its collection enforced in the same manner as other revenue. The clerk and collector shall be allowed the same compensation for services, under this act, as are allowed them for similar services under the revenue laws of this state: *Provided*, that nothing contained in this act shall be so construed as to prevent said corporation from providing for the assessment and collection of such taxes by ordinance.

Fees of clerk and collector.

General powers of council.

§ 20. The common council shall have power and authority to prevent and restrain every kind of fraudulent device and practice; to prohibit and restrain all descriptions of gaming and fraudulent devices, and all playing with dice, cards, and other games of chance, with or without betting; to license and regulate the selling or giving away of any ardent spirits and intoxicating drinks by any shop-keeper, tavern keeper, grocer, or other persons; to forbid the selling or giving away of ardent spirits, or other intoxicating drinks, to any minor, or apprentice, or servant without the consent of his or her parents, guardian, master or mistress; to license, tax and regulate auctioneers, merchants, retailers, grocers, taverns, eating houses, peddlers, brokers, money changers and hawkers; to license, tax, regulate, restrain and prohibit theatrical and other exhibitions, shows and amusements; to restrain, prohibit and suppress gaming houses, bawdy houses, and other disorderly houses, and to authorize the destruction and demolition of all instruments and devices used for the purpose of gaming; to prevent any riot or noise, disturbance or disorderly assemblage; to compel the owner or occupant of any grocery, cellar, tallow chandler shop, soap factory, stable, barn, privy, sewer, or other unwholesome nauseous house or place to clean, remove or abate the same, from time to time, as often as may be necessary for the health, comfort and convenience of the inhabitants of said city; to direct the location, management and construction of, and regulate, license, restrain, abate and prohibit within the city, and the distance of one mile therefrom, distilleries, breweries, 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; to establish and regulate markets and all other public buildings, and provide for their erection and determine their location; to regulate, prohibit and license butchers, and to revoke their licenses for malconduct in the course of trade, and to regulate, license and restrain the sale of fresh meats and vegetables in the city; to regulate the keeping and conveying of gunpowder and other combustible and dangerous materials, and the use of candles and lights in barns, stables and out-houses; to prevent horse racing, immoderate riding or driving in the streets or squares, and to authorize persons immoderately riding or driving as aforesaid, to be stopped by any person, and to punish or prohibit the abuse of animals; to compel persons to fasten their horses, oxen or other animals attached [to] vehicles, or otherwise, while standing or remaining in the streets, lane or squares; to prevent the incumbering of the streets, sidewalks, lanes, alleys, squares and public grounds, and to restrain and prohibit persons from riding, driving, leading or standing of any animal on the sidewalks, and to prevent any crossing from being incumbered with horses, vehicles or anything else; to prevent any obscene or indecent exhibition, exposure or conduct; to restrain and punish vagrants, mendicants, street beggars and prostitutes, and to punish any person for being drunk upon the streets, lanes, alleys or squares; to restrain and regulate or prohibit the running at large of cattle, horses, mules, swine, sheep, goats, geese, chickens, turkeys and pigeons, and to authorize the distraining, impounding and sale of the same for the penalty incurred and the costs of the proceedings, and also to impose penalties on the owners of any such animals for a violation of any ordinance in relation thereto; to prevent and regulate the running at large of dogs, to tax and to authorize the destruction of the same when at large contrary to ordinance; to prevent and regulate the playing of ball, flying of kites, or any other amusements or practice having a tendency to annoy persons passing in the streets or on the sidewalks, or to frighten teams and horses; to make regulations to prevent the introduction or spread of contagious and infectious diseases into the city, and within two miles of the same; to control, regulate, repair, amend and clean the lanes, alleys, squares, bridges, side and crosswalks, and open, widen, straighten, and vacate streets, lanes and alleys, and to establish and alter the grade thereof, and prevent the incumbering of the streets in any manner, and protect the same and the bridges from any encroachment or injury, and to compel all persons to keep the snow, ice, dirt and other obstructions from the sidewalk in front of the premises owned or occupied by them; to abate and remove nuisances and to punish the authors thereof, and to define and declare what shall be a nuisance, and authorize the summary abatement thereof; to regulate the burial of the

dead ; to regulate and prohibit the keeping of any lumber, or the placing, piling or selling lumber, timber, wood, or other combustible material, within the fire limits of said city ; 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 city ; to provide for taking the enumeration of the inhabitants of said city ; to regulate the election of city officers, define their duties and provide for the removal of any person holding office under the ordinances ; to fix the fees and compensation of all city 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 firing of squibs, rockets, guns, or other combustibles or fire-arms within said city ; to compel every male inhabitant of said city, above the age of twenty-one years, to perform three days' labor on the streets, lanes, alleys and squares every year ; to regulate the place and manner of selling fish, and to prevent the sale of unwholesome provisions ; to restrain and prohibit the sale of drugged and mixed and impure liquors, and to prohibit and restrain groceries and other places of business from keeping open on the Sabbath day or night time ; to regulate public pumps, wells and cisterns and reservoirs, and to prevent the unnecessary waste of water ; to establish and regulate public pounds ; to erect lamps and direct the lighting thereof ; to direct and regulate the planting and preserving of ornamental and shade trees in the streets, cemeteries and public grounds ; to fill up, drain, cleanse, alter, relay, repair and regulate any grounds, yards, barns, slips, stables, cellars, private sinks and privies, direct and regulate their construction and cause the expenses to be collected in the manner hereinafter provided ; to do all acts and make all regulations which may be necessary or expedient for the preservation of health and the suppression of disease, and to erect or lease one or more pest-houses within or without the limits of said city, and to remove all persons afflicted with any contagious or infectious disease to said pest-houses or hospitals, and to make rules and regulations for the same ; to prevent any person from bringing, depositing, or having within the limits of said city any unsound carcass or other unwholesome substance, and to compel any such person, and the owner of any animal which shall die in said city, to remove and bury the same beyond the limits of said city ; to compel parents and guardians of children to keep [them] out of the streets and squares and away from the railroads and depots in said city ; to declare what shall be malicious mischief, and to punish any person who shall be guilty thereof ; to provide for the punishment of offenders against any ordinance in the county jail, or by



compelling them to labor in the workhouse, in all cases where such offenders shall fail or refuse to pay the fines and forfeitures which may be recovered against them; to appoint an efficient police force, and to make rules and regulations for the government of the same; to suppress all riots, affrays, assaults, assaults and batteries, drunkenness, quarrelling, open and notorious lewdness or other public indecency, and no prosecution or conviction for any offense under the laws of this state shall be a bar to prosecutions for fines, penalties or forfeitures for the breach of any ordinance of said city; to lay off and divide the city into school districts, and, from time to time, to divide and alter the same or create new ones, as circumstances may require; to have charge of and superintendence of the sewers and drains of said city, and of all works pertaining thereto, and for that purpose they shall have jurisdiction and authority for one mile beyond the limits of said city; to provide for the construction, repair and regulation of privies, and the manner of cleaning the same, and to declare when the same shall be a nuisance, and prevent and remove the same; to construct and regulate the construction of cess pools, and provide for the drainage of cess-pools and privies under such rules, regulations and notices as they may deem proper and right; to provide for the protection of school houses and other property of said city, and to prevent persons, under penalties, from injuring any public or private property in said city; to establish, alter or enlarge the boundaries of said city.

## SCHOOLS.

§ 21. The common council shall have jurisdiction of Schools. common schools in said city, and shall have power to assess and provide for the collection of taxes for the erection of school houses, the support of schools, furnishing and repairing school houses, the employment of school teachers, and the payment of the same.

§ 22. The common council shall have power to make all Ordinances. ordinances which shall be necessary and proper for carrying into effect 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 city shall be, "*Be it ordained by the Common Council of the City of Carlinville;*" and all ordinances shall, within one month after they are passed, be published in a newspaper printed in said city, or by posting copies of the same in four public places in said city; and the certificate of said publisher of such newspaper, or of the clerk of the common council, under the seal of the corporation, shall be *prima facie* evidence of such publication. No ordinance shall take effect until published as aforesaid. All ordinances may be proven by the seal of the corporation, and when printed or



published in book or pamphlet form, and purporting to be printed or published by authority of the corporation, the same shall be received in all courts and places without further proof.

Writs of recovery

§ 23. All writs for the recovery of penalties for the breach of any ordinance of said city, 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 any other justice of the peace of said city, and changes of venue and appeals shall be allowed as in other cases before other justices of the peace.

Powers of police

§ 24. The constable and policemen elected or appointed under the provisions of this act, shall have power and authority to execute all processes issued for the breach of any ordinance of said city, and in any suit commenced before the police magistrate, or other justice of the peace, in which the city is or may be a party; and, for that purpose, their power and authority shall extend over the county of Macoupin, and they shall have the same power and authority within said city as other constables have under the laws of this state, and shall give bonds and qualify as said common council shall by ordinance prescribe.

Suits and fines.

§ 25. All suits for fines, penalties and forfeitures in and for the violation of any ordinance of said city, shall be in the name of the "City of Carlinville," and the said corporation shall have power and authority, by ordinance, to regulate and prescribe the form and nature of the first and of any subsequent process, and the mode of executing the same.

Fire limits.

§ 26. The common council, for the purpose of providing against the calamities by fire, shall have power to prescribe the limits within which wooden buildings and structures shall not be erected, placed or repaired without permission, and to direct that all and any buildings within the limits prescribed shall be made or constructed of fire proof materials, and to prohibit the repairing of any wooden or other building or structure, not fire proof, within the fire limits, when the same shall have been damaged or depreciated in value to the extent of fifty per cent. of the original value thereof, and to prescribe the manner of ascertaining such damages and depreciation, and to prescribe the notice thereof to the owner or occupant of the premises. The said common council shall have full power to organize fire, hose, hook and ladder and axe companies, and to make rules and regulations for the same, and to do all acts not inconsistent with the constitution of this state and of the United States, to prevent and extinguish fires, and impose such penalties for a violation of any ordinance in relation thereto, as they may deem just and fit.

Fire companies.

Ordinances now in force to continue.

§ 27. All ordinances, rules and regulations now in force in the town of Carlinville, and not inconsistent with this act,

shall remain in force, under this act, until altered, modified or repealed by the common council of the city of Carlinville after this act shall take effect.

§ 28. All actions, fines, rights, penalties and forfeitures, in suit or otherwise, which have accrued to the town of Carlinville, shall be prosecuted in the name of the town of Carlinville, and the rights, debts and liabilities, both in law and equity, arising from such liabilities to the town of Carlinville, shall vest in and belong to the city of Carlinville. Suits continued.

§ 29. All property, real, personal and mixed, belonging to the town of Carlinville, is hereby vested in the city of Carlinville, created by this act, and the officers of the town of Carlinville shall respectively continue in the same until superseded in conformity to the provisions hereof, and said officers shall be governed by this act. Property vested.

§ 30. This act shall not invalidate any legal act done by the president and trustees of the town of Carlinville, or by its officers, nor divest their successors, under this act, of any liabilities which they may have incurred by reason of any act incorporating the town of Carlinville, or any amendment thereto. Rights and liabilities.

§ 31. All constables, policemen and police magistrates in said city are hereby declared to be conservators of the peace, and they shall have power and authority to arrest, or cause to be arrested, all persons who shall break any ordinance of said city, and, if necessary, detain such persons in custody over night, or during the Sabbath day, or while any such person may be intoxicated, in the county jail, or other safe place, to be selected by such peace officers, and shall have and exercise such other powers as the common council may prescribe. Conservators of peace.

§ 32. It shall be the duty of the owners or occupants of any real estate in said city, to repair and hereafter keep at all times in a safe condition and thorough state of repair, the sidewalks in front of or adjacent to their respective premises, at the direction and under such rules and regulations as the said common council may establish; and if at any time any injury shall be sustained by any individual, or the city shall sustain any damages in consequence of any defect in any such sidewalk, or its being out of repair, the owner and occupant of the adjacent premises, whose duty it is to make repairs, shall be jointly and severally liable, and the same may be recovered by suit in any court of general jurisdiction; if the owner be a nonresident, proceedings may be commenced by attachment as in other cases of attachment under the laws of this state. Repair of sidewalks.

§ 33. All owners or occupants of real estate in front of or adjacent to or upon whose premises the common council shall order or direct any sidewalk or private drain to be constructed, shall construct such sidewalk or private drain at their own cost and charges in the manner prescribed Sidewalks.

by the said common council, and within such reasonable time, not exceeding twenty days, as said council shall prescribe, of which time notice shall be given to such owner or occupant, by personal service or by leaving a copy at his usual place of business or abode, or by publication for one time in some newspaper published in said city. If the owner or occupant shall fail or neglect to construct the sidewalk or private drain in the time and manner prescribed by the common council, said common council may cause said improvement made and paid for, and afterwards cause the expense thereof, together with all costs, to be reimbursed to said city by suit against the owner or occupant, as for money paid and laid out for his use and at his request; said suit may be commenced before any justice of the peace in Macoupin county, or in the circuit court of said county. In case the defendant in any such suit is nonresident or cannot be found, proceedings may be commenced against the property by attachment, as in other cases of attachment under the laws of this state. The expense and costs of constructing or repairing any sidewalk or private drain, and done by said city as aforesaid, shall be a lien on the adjacent premises for the term of two years from and after the completion of the work.

Penalties.

§ 34. For any neglect or refusal to comply with any order of the common council in the two preceding sections referred to, or to comply with any of the requirements of said sections, the common council may by ordinance impose such penalties upon the owners or occupants aforesaid, not exceeding ten dollars per day for each day's refusal or neglect, as to the common council shall seem proper.

When infants are owners.

§ 35. When any known owner, residing in said city or elsewhere, shall be an infant, and any proceedings had under this act shall render it necessary, the county court of Macoupin county, or the judge thereof, may, upon the application of the mayor of said city, of such infant, or of his next friend, appoint a guardian for such infant, taking security from the guardian for the faithful execution of such trust, and all personal notices and summons required by this act may be served on such guardian. This act shall apply as well to railroad companies and other corporations in said city as to natural persons, and it is declared to be a public act, and shall be in force from and after its passage.

APPROVED February 16, 1865.



AN ACT to amend the charter and increase the powers of the town of Car- In force Feb. 16,  
lyle, Clinton County. 1865.

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 the county of Clinton Name and style. and state of Illinois, be and are hereby created a body corporate and politic, by the name and style of "The Town of Carlyle," and by that name shall have perpetual succession, and may have a common seal, which they may alter at pleasure.

§ 2. The boundaries of said town shall be the same as now fixed by the act of February 12, A. D. 1853, incorporating said town, together with all tracts of land adjoining and adjacent to said town, which are now laid off into town lots as additions to the town of Carlyle, and duly recorded as such according to law, excepting and excluding all that portion of Breese's addition to said town of Carlyle which lies north of Jefferson street and east of the street in said addition that connects with Fourth street of the old or so called lower town of Carlyle aforesaid, shall be and the same are hereby declared to be within the incorporated limits of the town of Carlyle; and whenever any tract of land adjoining the incorporated town of Carlyle shall be laid off in town lots, and duly recorded as required by law, the same shall be annexed to and form a part of the incorporated town of Carlyle. Boundaries. Additions.

§ 3. The inhabitants of said town, 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; to purchase, receive and hold property, real and personal, for the use of the inhabitants of said town; to sell, lease, convey or dispose of property, real and personal, for the benefit of the town, and to improve and protect such property, and to do all other things in relation thereto, as natural persons. General powers.

## ARTICLE II.

### OF THE TOWN COUNCIL.

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

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

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



Quorum.

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

Rules.

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

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

Oath.

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

Tie vote.

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

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

Annual state-  
ment.

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

Meetings.

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

### ARTICLE III.

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

Police magis-  
trate.

§ 1. There shall be elected in the town of Carlyle, by the qualified voters thereof, on the first Monday in May next, and on the first Monday in May every four years thereafter, a police magistrate, who shall hold his office for four years and until his successor shall be elected and qualified.

Town constable

§ 2. There shall also be elected by the qualified voters of said town on the first Monday of May next, and on the first Monday in May every two years thereafter, a town constable, who shall hold his office for two years and until his successor shall be elected and qualified.

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

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

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

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

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

#### ARTICLE IV.

##### OF ELECTIONS.

§ 1. On the first Monday in May next and on the first Monday in May annually thereafter, an election shall be held for the president and four members of the town council. The first election shall be held, conducted, and returns thereof made as may be provided by ordinance by the present president and trustees of the town of Carlyle; and all succeeding elections as may be provided by ordinance of the town council by this act created. Election.

Voters.

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

## ARTICLE V.

## OF THE LEGISLATIVE POWERS OF THE COUNCIL.

Powers of the council.

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

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

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

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

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

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

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

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

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

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

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

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



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

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

§ 15. 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.

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

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

§ 18. The town council shall have power to make all ordinances which shall be necessary and proper for carrying into execution the powers specified in this act, so that such ordinances be not repugnant to or inconsistent with the constitution of the United States or of this state.

§ 19. The style of the ordinances shall be, "*Be it ordained by the town council of the town of Carlyle.*"

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

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

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

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



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

§ 25. To establish and maintain a public pound, and appoint a pound master and prescribe his duties.

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

#### ARTICLE VI.

##### OF THE PRESIDENT.

President's duties.

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

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

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

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

#### ARTICLE VII.

##### OF THE ASSESSMENT AND DELINQUENT TAXES.

Assessment.

§ 1. The town council shall have power by ordinance to provide the mode and manner of assessing the property of said town; and it shall be the duty of the town clerk to give ten days' notice by one publication in any newspaper published in said town, that the assessment of said town has been returned to him, and on a day to be specified therein, will be acted upon by the town council, unless objections to the same are made by some person interested. Objections may be heard by the town council, and the hearing may be adjourned from day to day. The town council shall have power to alter, confirm, or annul the assessment. If annulled, all the proceedings shall be void. If altered or confirmed, an order shall be entered, directing the collection thereof as other assessments in said town are collected.

Delinquent tax lists.

§ 2. All the proceedings shall be had in reference to the delinquent tax list as are now or shall hereafter be required by the state revenue laws, for the collection of state and

county taxes, and the collector shall give due notice by publication in some newspaper published in said town, and make application to the county court of Clinton county for a judgment against said delinquent lands or lots; and the said county court shall have jurisdiction over the same. The sale of said lands and lots shall be within the corporate limits of said town, and the collector shall have full power and authority to make and execute all deeds and conveyances under this act, when thereunto directed by said town council.

§ 3. That when any town lot or real estate shall be sold for taxes by virtue of this act, the same may be redeemed as is now provided for by the revenue laws of this state in similar cases. Redemption.

## ARTICLE VIII.

### MISCELLANEOUS PROVISIONS.

§ 1. The inhabitants of the town of Carlyle are hereby exempted from working on any road beyond the limits of said town, and from paying any tax to procure laborers to work on the same. Street labor.

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

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

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

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

§ 6. All owners of any premises in front of, or upon which the town council of said town shall order and direct sidewalks to be constructed, repaired, relaid or cleansed, shall make, repair, relay or cleanse such sidewalks at their own cost and charges, in the manner and the time prescribed by ordinance or otherwise, and all such owners shall have Sidewalks.

notice, if he or she can be found in said town, to construct, repair, relay or cleanse such sidewalk, which notice shall be issued by the clerk under his hand, therein describing the premises and the sidewalk to be constructed, repaired, relaid or cleansed; the work to be performed, and the time in which the work is to be done; said notice to be served by the town constable, and by him returned to the clerk's office; and if not done in the manner and at the time prescribed, the said town council may cause the same to be constructed, repaired, relaid or cleansed, and assess the expenses thereof by an order to be embraced in their proceedings, upon such lots respectively, and collect the same by warrant and sale of the premises in such manner and within such time as the said town council may, by ordinance, provide; and a suit may also be maintained by the said town in its corporate name against the owner or owners of such premises, for the recovery of such expenses, as for money paid and laid out to his or their use, at his or their request.

Records.

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

Dogs.

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

Ferries, etc.

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

Vacancy.

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

Railroad cross-  
ings.

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

Actions.

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

Ordinances in  
force.

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

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

§ 15. All acts or parts of acts, coming within the provisions of this charter, or contrary to, or inconsistent with its provisions, are hereby repealed. This act shall take effect and be in force from and after its passage.

APPROVED February 16, 1865.

AN ACT to amend the charter of the town of Carthage.

In force Feb. 16,  
1865.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the president and trustees of said town may provide, by ordinance, for the arrest, upon complaint under oath, of any and all persons who shall violate any of the ordinances of said town; and in such case a warrant shall issue, returnable forthwith, similar in form to that issued by justices of the peace in criminal cases, under the laws of the state; and may, also, by ordinance, fix and regulate the fees of police magistrates or justices of the peace, and town constables, when acting under the ordinances of such town.

Arrests, how  
made.

§ 2. When any person is arrested and brought for trial, either for an offense committed on view, or upon warrant, and the cause shall be continued at the instance of either party, the defendant may be discharged from custody by entering into bond before the court payable to the president and trustees of the town of Carthage, in a sum not exceeding two hundred dollars, to be fixed by the court, and conditioned for his appearance before the court on the day and hour to which the cause was continued, and not depart such court without leave, and upon default of such bail he shall be committed to the jail of Hancock county for safe keeping until the further written order of the court so committing.

Discharge on  
giving bond.

§ 3. All bonds taken under the preceding section shall be good and valid, and the penalty after condition broken, may be recovered in an action of debt in the circuit court of Hancock county, and when the penalty does not exceed one hundred dollars, before any justice of the peace.

§ 4. The police magistrate or justice of the peace or circuit court, on the appeal on the trial of any case arising under the ordinances of said town may, upon finding any defendant guilty, order as a part of the judgment that such person or persons stand committed to the jail of Hancock county, there to remain until such judgment and costs are paid, or he or they be otherwise discharged, according

Appeals and  
committal.



to law. And in such case an execution shall issue to the proper officer, commanding him that if such person shall not forthwith pay said judgment to take his body and commit him to the county jail, and shall also command the jailor to receive such person and him safely keep until such judgment is paid or such person is otherwise discharged by law: *Provided*, that the perfection of an appeal from such judgment shall suspend all proceedings under the judgment and execution: *And, provided, further*, that this act shall not prevent the court from rendering the ordinary judgment and awarding the usual execution.

Salary of constable.

§ 5. The president and trustees of said town may, in addition to the fees of the town constable, provide by ordinance a resolution for paying him a salary or other compensation out of the treasury of the town; and such constable shall have the same powers and be subject to the same responsibilities as other constables.

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

APPROVED February 16, 1865.

In force April 16,  
1865.

AN ACT to incorporate the town of Clayton, Adams county.

Name and style.

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

Boundaries.

§ 2. The boundaries of said corporation shall be those established by the first ordinances passed by the present board of trustees of said town. Said ordinances, together with all other ordinances passed by said board, are hereby legalized, and may be read in evidence in all courts of law or equity in this state, without proof: *Provided*, such ordinances, or any of them, are not inconsistent with the provisions of this act, or the laws of the United States or of this state.

General powers.

§ 3. The inhabitants of said town, by the name and style aforesaid, shall have power to sue and be sued, plead and be impleaded, defend and be defended, in all courts of law or equity, and in all actions whatever; to purchase, receive and hold property, real and personal, beyond the corporate limits, for burial grounds and other public purposes,

for the use of the inhabitants of said town ; to sell, lease or dispose of property, real and personal, for the benefit of said town, and to improve and protect such property, and to do all other things in relation thereto, as natural persons.

§ 4. The corporate powers and duties of said town shall be vested in five trustees, who shall form a board for the transaction of business ; and the persons who may be in office as trustees in said town, under the general incorporation law of this state, shall be deemed to hold their offices, by virtue of this act, until the first Monday in May, Anno Domini one thousand eight hundred and sixty-five, and until their successors are elected and qualified.

Board of trustees

§ 5. On the first Monday in May next an election shall be held in said town of Clayton for the election of five trustees of said town, and thereafter on the first Monday of May in each year an election shall be held for said officers. They shall be citizens of the United States, twenty-one years of age, and shall possess a freehold estate within the limits of said town.

Annual election for trustees.

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

Voters.

§ 7. The said trustees, at their first meeting, shall appoint one of their body president, and shall judge of the qualifications and returns of its own members, and shall determine all contested elections, in such manner as may be provided by ordinance.

President of board.

§ 8. A majority of the 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 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 a concurrence of two-thirds, expel a member.

Quorum.

§ 9. All elections shall be held by ballot, and tie votes shall be decided by lot, in presence of the board of trustees.

Elections by ballot.

§ 10. Each of the members of the board of trustees, before entering upon the duties of his office, shall take and subscribe an oath before some 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 perform the duties of his office to the best of his ability ; and there shall be at least one regular meeting of said board once in three months, at such times and places as may be prescribed by ordinance.

Oath of trustees.

§ 11. The board of trustees shall have power to appoint a clerk, treasurer, assessor and one or more street commissioners, 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

Officers.

and security 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 board of trustees.

Annual tax.

§ 12. The board of trustees shall have power and authority to levy, assess and collect taxes upon all property, real and personal, within the limits of said town, which is subject to taxation for state and county purposes, not exceeding one half per cent. upon the assessed value thereof; and may assess and enforce the collection of the same by any ordinances not repugnant to the constitution of this state; also, to appropriate money and provide for the payment of debts and expenses of the town.

Further powers  
of trustees.

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

§ 14. To open, abolish, alter, widen, extend, establish, improve and keep in repair streets, alleys and public grounds in said town, and erect, maintain and keep in repair bridges, drains and sewers.

§ 15. To provide the town with water, to sink and keep in repair wells, and to erect needful buildings for the use of the town, and to improve and protect public buildings.

§ 16. 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.

§ 17. To license, tax and regulate auctioneers, merchants, grocers, eating houses and peddlers, and to regulate the fixing of chimneys, and the flues thereof; also, to regulate the storage of gunpowder and other combustible materials.

§ 18. To suppress gaming houses, bawdy houses, drinking or tippling houses, and all other disorderly houses within the limits of said town; to license, tax and regulate theatrical and other exhibitions, shows or amusements, and 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.

§ 19. To fix the fees and compensation of town officers, jurors, witnesses, and others, for services rendered under the provisions of this act.

§ 20. To prevent the incumbering of the streets, alleys and public grounds of said town; to protect shade trees; to compel persons to fasten horses, mules and other animals attached to vehicles while standing upon any street, alley or uninclosed lot in said town; to prevent the running at large of horses, cattle, sheep, hogs and other animals, and to provide for the impounding and distraining the same, and to provide for the sale of the same for any penalty incurred, and to impose penalties upon the owner or owners of any

such animals, for the violation of any ordinance in relation thereto.

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

§ 22. To prevent the firing of squibs, rockets, guns or other fireworks, or combustibles, within the limits of said town.

§ 23. To provide for the punishment of persons who may, at any time, disturb the peace of the inhabitants of said town, or the deliberations or proceedings of any public meeting of said inhabitants, or of the board of trustees, when in session. Disturbance of peace. o

§ 24. To regulate the police of the town; to impose fines 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. Town police. Proviso.

§ 25. The board of trustees 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 inconsistent with the constitution of the United States or of this state. Ordinances.

§ 26. The style of the ordinances of the town shall be, "*Be it ordained by the president and trustees of the town of Clayton:*" and all ordinances shall, within one month after they are passed, be published or made known by posting in three public places in said town copies of the same; and the certificate of the clerk of the town, under the seal of the incorporation, shall be *prima facie* evidence of such ordinance and of its publication; and no ordinance shall take effect until published or made known, as aforesaid. Style of ordinances.

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

#### DUTIES OF THE PRESIDENT.

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

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



Posse.

§ 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 subordinate officers, and cause negligence and wilful violation of duty to be punished. He shall have power and authority to call on all male inhabitants, over the age of twenty-one years, of said town, to aid in enforcing the law and ordinances, and any and every person who shall fail or refuse to obey such call, shall forfeit and pay to said town the sum of ten dollars.

Exhibit of books and papers.

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

## MAGISTRATES AND CONSTABLES.

Election for justice and constable.

§ 1. It shall be the duty of the trustees of said town, immediately after the passage of this act, to give notice for and cause an election to be held for a justice of the peace and constable, who shall be elected by the qualified voters within the corporate limits of said town, who shall take the same oath, execute the same bond, and be clothed with the same power, authority, jurisdiction, and subject to the same liabilities as other justices of the peace and constables, within the limits of this state; and shall hold their offices, respectively, two years from the first Monday in May next, and biennially forever thereafter; also, shall hold their offices until their successors are elected and qualified.

Time of election

§ 2. For the election of a justice of the peace and constable for said town, after the first election, shall be held at the same time and place as the election of trustees; and the manner of holding all the elections required by this act, shall be held and conducted, and returns thereof made, as may be hereafter provided by the ordinances of the trustees of said town, by this act created.

Jurisdiction of justice.

§ 3. The said justice of the peace shall be commissioned by the governor of this state, and shall be a conservator of the peace for said town, and shall have exclusive jurisdiction in all cases arising out of or under the ordinances of the corporation; and shall have the same fees and compensation allowed for similar services, under the laws of this state, to other justices of the peace. In case of his absence or inability to act, any justice of the peace, having an office in said town, shall have power and authority to hear and determine all cases which may arise under the ordinances of said town.

Change of venue and appeals.

§ 4. 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 corpo-

ration 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 the corporation, in the form now or which may hereafter be furnished by law in other cases without other security; and an order entered upon the records of said corporation, directing said appeal, shall be sufficient evidence of the authority of said clerk to sign said bond.

§ 5. The town constable elected under the provisions of this act, shall have power and authority to execute all processes issued for the breach of any ordinance of said town, and for that purpose his power and authority shall extend over the county of Adams; 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 said board shall, by ordinance, prescribe. Powers of constable.

§ 6. The said constable shall be authorized to arrest all persons on view without warrant, who shall violate any of the provisions of this act, or any of the ordinances of said town, made in pursuance thereof, and take him, her or them before the justice of the peace of said town, to be tried and punished as may be prescribed by ordinance. In case of the absence or inability of said constable act, to any constable of said county of Adams shall have power and authority to execute all processes and writs which may be issued, in the same manner and with like effect, as the constable of said town. Arrests without warrant.

#### 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 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 alleys.

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

§ 3. In the assessment of such damages, the jury shall take into consideration the benefits, as well as the injury, Benefits and injury.

happening to the owner or owners of property proposed to be taken for opening or altering a street or alley by such opening or alteration.

Special tax.

§ 4. That the board of trustees shall have power to levy and collect a special tax on the owners of lots on any streets or parts of streets, according to their respective fronts, for the purpose of grading, paving, or otherwise, the sidewalks on said street or part of street.

Sidewalks.

§ 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.

#### MISCELLANEOUS PROVISIONS.

Citizens exempt  
from road labor

§ 1. The inhabitants of the town of Clayton are hereby exempted from working on any road beyond the limits of said town, and the payment of any road tax levied by the commissioners of highways of the township of Clayton, and the entire jurisdiction and control of said roads, highways and bridges in said town, shall be held and exercised by the board of trustees, by this act provided.

Street labor.

§ 2. The board of trustees, for the purpose of keeping the streets, alleys 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, and highways any number of days not exceeding three, in each year. Any person failing to perform such labor when duly notified by the street commissioner or other authorized officer of said town, shall forfeit and pay the sum of one dollar and fifty cents, to be paid to said town for each and every day so neglected and refused.

Punishment of  
offenders.

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

Suits and fines.

§ 4. 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 Clayton; and the board of trustees shall regulate, by ordinance, the form and nature of the first and subsequent process, and the mode of executing the same.

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

Ordinances in  
force.

§ 6. All ordinances and resolutions passed by the president and trustees of the town of Clayton, shall remain in



force until the same shall have been repealed by the board of trustees hereby created, and all actions, fines, penalties and forfeitures which have accrued to the president and trustees of said town, or which may hereafter accrue to them prior to the taking effect of this act, shall be vested in and prosecuted by the corporation herein created.

§ 7. All property belonging to the president and trustees of the town of Clayton for the use of the inhabitants of said town, shall, upon this act taking effect, be vested in the corporation; 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. Town property.

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

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

APPROVED February 16, 1865.

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AN ACT to amend an act entitled "An act to incorporate the town of Clinton, DeWitt county, Illinois." In force Feb. 16, 1865.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That section nine of an act entitled "An act to incorporate the town of Clinton, in DeWitt county," approved February 18, 1857, be and the same is hereby repealed; but such repeal shall not be so construed as to affect any rights heretofore acquired, and now in being, of the president and trustees of the town of Clinton, to collect the taxes of the current year of 1864, and all prior years, in pursuance of the ordinances of the said town, made in pursuance of the provisions of said section nine of the aforesaid act of incorporation. Repeal not to affect rights acquired.

§ 2. The president and trustees of the town of Clinton 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 per cent. 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 of this state; or the said president and trustees may, if they think proper so to do, adopt the annual assessment made of Annual tax.



the property in said town by the township assessor, and cause the same to be collected by the township collector.

Extension of tax     § 3. 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 record—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 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.

Fees of clerk and collector.

Special tax.     § 4. The said president and trustees shall have power, by ordinance, to levy and collect a special tax upon the holders and owners of lots or blocks 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 making sidewalks along, or of grading, planking or paving such square, street, lane or alley, to be collected as other taxes are collected by the provisions of sections two and three of this act, or as may be provided by ordinance.

§ 5. This act to be in force from and after its passage.  
APPROVED February 16, 1865.

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In force Feb. 16, 1865. AN ACT to legalize the incorporation of the town of Chenoa, McLean county, Illinois, and for other purposes.

Acts valid.     SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That all the acts and proceedings done for the purpose of incorporating the town of Chenoa, in the county of McLean, Illinois, be and the same are hereby declared legal and valid; and all the ordinances passed by the president and trustees of said town, not inconsistent with the constitution of this state or the constitution of the United States, be and the same are hereby declared to be legal and binding, and shall so remain until amended or repealed by the president and trustees of said town.

Boundaries.     § 2. That the president and trustees of said town may prescribe and fix the boundaries of said town, so as to in-

clude any tract which may be laid out into lots, and designated as an addition to said town.

§ 3. That all fines and forfeitures that may be recovered for any breach of the ordinances of said town, and that may be received for licenses granted under the ordinances or laws of said town, shall be used for town purposes. Fines, how used.

§ 4. This act shall be in force from the time of its passage.

APPROVED February 16, 1865.

AN ACT to amend the charter of the town of Columbia, Monroe county, In force Feb. 16, 1865.  
State of Illinois.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That whenever it shall be necessary to take private property for opening or altering any public street or alley, the board of said town shall make a just compensation to the owner of such property, and pay or tender the same, before opening such street or alley; and in case the amount of such cannot be agreed upon, the board of trustees shall cause the same to be ascertained by a jury of five disinterested freeholders of said town.

Property when  
taken for streets

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

Inquest of jurors

§ 3. The jurors appointed to assess the damages which shall happen to the owners of property, for streets or alleys so taken, shall first be sworn to that effect, and shall return to the board their inquest, in writing, signed by each juror.

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

APPROVED February 16, 1865.

AN ACT to incorporate the town of Courtland.

In force Feb. 16,  
1865.

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 Courtland, in the county of De Kalb, are hereby constituted and declared a body corporate and politic, by the name and style of "The Town of Court-

Name and style.

- land;" and by that name the said body corporate shall have all the rights and powers and privileges granted to the town of Belvidere, in an act entitled "An act to incorporate the town of Belvidere," approved February 5, A. D. 1857; and the said act to incorporate the town of Belvidere, excepting such parts as are inconsistent with the subsequent portions of this act, is hereby enacted for the organization and government of the town of Cortland—the name "Sommonauk" being, for that purpose, inserted in the place of "state," in section ten of said act, and the name "Cortland" in the place of "Belvidere," and the name "DeKalb" in the place of "Boone," throughout said act.
- § 2. Said corporation shall include all that district of country contained in and known as the south-west quarter of the south-east quarter, and the south-east quarter of the south-west quarter, of section number twenty, (20,) and the north-west quarter of the north-east quarter, and north-east quarter of the north-west quarter, of section number twenty-nine, (29,) in township number forty (40) north, range five (5) east, of the third principal meridian, in DeKalb county: *Provided*, the board of trustees of said town may, at any time, extend the limits of said corporation, not to exceed two miles square of land.
- § 3. Whereas the citizens of Cortland did organize themselves, and have for some time acted as an incorporated town, under the general laws of this state, therefore, the election of trustees and public magistrate of said town, held on the twelfth day of April, A. D. 1864, in pursuance of the act referred to, shall be held and considered as valid; and all actions, rights, fines, forfeitures and penalties, in suit or otherwise, which have accrued to or have been commenced by the president or trustees of said town, shall be vested in and prosecuted by the corporation hereby created.
- § 4. The trustees shall have exclusive power to restrain, prohibit and suppress the selling of spirituous and vinous liquors, of any kind, within the corporation limits.
- § 5. The first election of trustees provided for in this act shall be held on the second Monday in April, A. D. 1865, and the subsequent elections shall be held on the second Monday in April in each year thereafter, as prescribed in the third section of the act to incorporate the town of Belvidere.
- § 6. This act is hereby declared to be a public act, and shall take effect and be in force from and after its passage.
- APPROVED February 16, 1865.



AN ACT to incorporate the town of Crotty.

In force Feb. 16,  
1865.

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 Crotty, La Salle county, and state of Illinois, be and the same are hereby constituted a body politic and corporate, by the name and style of "The President and Board of Trustees of the Town of Crotty;" and by that name shall have perpetual succession; and may have and use a common seal, which may be altered and changed at pleasure; and in whom the government of said town shall be vested, and by whom its affairs shall be managed.

Name and style.

Seal.

§ 2. The jurisdiction of said corporation shall extend over and its boundaries be embraced within the following limits, to-wit: The east half of section twenty-three, (23,) west half of section twenty-four, (24,) all that part of the east half of section twenty-six, (26,) and all that part of west half of section twenty-five, (25,) lying north of the Illinois river; all in township thirty-three, (33,) north, range five (5) east of the third principal meridian.

Boundaries.

§ 3. The inhabitants of said town, by the name and style aforesaid, shall have power to sue and be sued, to plead and be impleaded, in all courts in this state; to purchase, receive and hold property, both real and personal, within and beyond the limits of the 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, both real and personal, 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, which natural persons might do.

General powers.

§ 4. The corporate powers and duties of said town shall be vested in five trustees, who shall constitute a board to transact the business of the town; and the persons who are now trustees of said town shall hold their office under the general laws of this state, shall be deemed to hold their offices, under and by virtue of this act, until the last Monday of December, A. D. 1865, and until their successors are elected and qualified.

Trustees.

§ 5. On the last Monday of December, 1865, and ever afterwards on the last Monday of December, in each and every year, an election shall be held in said town of Crotty 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 in said town, and shall have resided in said town at least six months next preceding their election. Said trustees shall hold their offices for one year and until their successors are elected and qualified, unless removed by death, resignation or otherwise, as provided by this act or by the ordinances of said town.

Annual election.

§ 6. The incumbent board of trustees shall give ten

Notice of election



Judges  
clerks of elec-  
tion.

day; notice of any and all elections to be held under the provisions of this act or any ordinances of the 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, shall, by acclamation, appoint three of their number to act as judges of such election; and the said judges shall appoint two clerks of such election. Such 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 are, by the laws of this state, entitled to vote for state and county officers, and who shall have been actual residents of said town six months next preceding such election, shall be entitled to vote thereat; and all cases of contested elections, under this act, shall be tried and determined by the police magistrate of said town, in such manner as may be provided by ordinance.

Oath of trustees.

Quorum.

§ 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 may to them seem proper. They shall have power to fill vacancies by appointment, in the board of trustees, occasioned by death, removal, resignation or continued absence from their regular meetings for the term of three months, or otherwise. They may punish their members for disorderly conduct, and, by a vote of three-fifths of all 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 officer of said town, who holds his office by appointment of the board of trustees of said town.

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 officer, 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.

Bonds.

Oath.

§ 9. They shall have power and authority to levy, assess and collect taxes upon all property, real and personal, within said town, which is subject to taxation for state and county purposes, not exceeding fifty cents, annually, on the hundred dollars of the assessed valuation thereof; and they may assess and enforce the collection of such taxes, by any ordinance or ordinances, not repugnant to the constitution of this state or the United States. They shall, also, have power to appropriate money and provide for the payment of the debts and expenses of the incorporation; to restrain, regulate or prohibit the running at large of any cattle, horses, sheep, swine, goats and other animals, and to authorize the distraining, impounding and sale of the same; and to prohibit any indecent exhibition of horses or other animals; 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; to prevent horse racing or any immoderate riding or driving, within the limits of said town, of horses or other animals; to prohibit the abuse of animals; to compel persons to fasten their horses or other animals, attached to vehicles or otherwise, while standing or remaining in any street, alley, or any public road, in said town; to establish and maintain a public pound and appoint a pound master, and prescribe his duties; to license, regulate and prohibit all exhibitions of common showmen, shows of every kind, caravans, circuses and exhibitions and amusements; to prevent, suppress and prohibit any riot, affray, disturbance or disorderly assemblages, assaults, assaults and batteries, or shooting, within the limits of said town; to abate and remove nuisances, and punish the authors 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; 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

Annual tax.

General powers  
of council.

Proviso.

to the use of said town; to regulate the election of town officers, and to provide for removing from office any person holding an office created by ordinance; to fix the compensation of all town officers, and regulate the fees of jurors, witnesses and others, for services rendered under this act or any ordinance. The board of trustees shall have power, by ordinance, to regulate the internal police of the town; to declare what shall be considered misdemeanors, and to impose fines and forfeitures for the breach of any ordinance, and to provide for the recovery and appropriation of such fines and forfeitures, and the enforcement of such penalties. The said trustees shall have power to build and keep in repair a bridge across the Illinois and Michigan canal; and for that purpose may levy and assess and collect a special tax, of such an amount as may be necessary, to defray the expenses thereof; said tax shall be upon all the real estate and personal property in said town of Crotty, and be collected in the same manner as other town taxes of said town. 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 may determine and direct. The present police magistrate of said town of Crotty, 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 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 his term of office of the present police magistrate of said town, and every four years thereafter. That the police magistrate of the town of Crotty, and county of La Salle, shall have jurisdiction to hear and determine all complaints, suits and prosecutions mentioned in section seventeen of chapter forty-nine, entitled "Justices of the Peace and Constables," of the Revised Statutes, in which the amount claimed to be due does not exceed one hundred dollars. 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, and in which the amount claimed to be due does not exceed one hundred dollars. All prosecutions under the laws and ordinances of said town of Crotty, for assaults, assaults and batteries, affrays, riots, routs, disturbing the peace of the inhabitants of said town, disturbing any public meeting, religious or otherwise, unlawful assemblages of any kind, and cases in

Police  
trate.      magis-



which the penalty attached by the law of or ordinances of said town, is imprisonment in the county jail of said La Salle county, shall lie, except in cases of arrest without warrant, as hereinbefore provided, commenced by complaint and warrant, in the same manner prescribed by the laws of the state of Illinois for the regulation of criminal proceedings in justices' courts. And in all such cases the rules of practice and proceeding shall be the same as are prescribed in such cases for justices' courts, by the laws of this state, except where the laws and ordinances of said town prescribe new rules or different rules of practice or proceeding; in which case the rule of practice or proceeding shall conform to the rule prescribed by the laws or ordinances of said town. In all actions of debt, for offenses committed against the laws or ordinances of said town, it shall be lawful for the plaintiff in the same suit to allege, prove and recover, for any number of offenses of the same nature: *Provided*, that Proviso. the amount recovered shall in no case exceed the sum of one hundred dollars. All fines or penalties received or collected for any violation of the laws or ordinances of said town shall, by the person or persons receiving or collecting the same, be paid into the treasury of said town, and be appropriated to the use of said town. The president and trustees of said town shall not, in any suit in which they are concerned, for the violation of any law or ordinance of said town, either before the commencement or during the pendency thereof, be compelled to give security therein for costs. The president or trustees, or any other officer of said town, shall be a competent witness for either party in any suit for a violation of the laws or ordinances of said town.

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

APPROVED February 16, 1865.

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AN ACT to change the name of the village of Danforth, in Tazewell county, In force Feb. 16, 1865.  
to Tullamore.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That the name of the town or village of Danforth, in the county of Tazewell, and state of Illinois, be and the same is hereby so altered and changed that the said town or village shall be hereafter designated and known by the name of Tullamore. Name changed.

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

APPROVED February 16, 1865.



In force Feb. 16, 1855. AN ACT to amend an act entitled "An act to incorporate the town of Edwardsville, in Madison county, state of Illinois," approved February 10, 1853.

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 Edwardsville shall have power and authority to levy, assess and collect a tax upon all property, real, personal and mixed, in said town or in the incorporated limits thereof, which is now or may hereafter be subject to taxation for state or county purposes, not exceeding one-half of one per centum per annum, upon the assessed value thereof, and may assess and enforce the collection of the same by any ordinance deemed necessary, and not repugnant to the constitution of the state of Illinois or of the United States, or the said president and trustees may, if they think proper so to do, by order entered on their journals, adopt from year to year the annual assessment made of the property within the limits of said corporation, by the county assessor, and cause the same to be collected by the county collector in the same mode and manner as state and county taxes are collected.

§ 2. If the president and trustees of said town shall determine to adopt the assessment made by authority of the state and county, they shall give to the clerk of the county court or other officer whose duty it is to extend the tax by existing laws, notice of their intention so to do, which notice shall be a copy of their record setting forth the rate of taxation, and also a list of the names of all persons within said corporation subject to taxation; and upon receipt of such notice by the clerk or other officer, the said tax shall be extended and collected, and its collection enforced in the the same manner as other revenue; and in case of sale of property by the collector for non-payment of taxes, the same shall be subject to redemption as provided by law where land is sold for state and county taxes; and if not redeemed from such sale, a deed or deeds will be made to the purchaser by the collector for the same, as land sold for state and county taxes, anything in the act incorporating to the contrary notwithstanding. The clerk and collector shall be allowed the same compensation for services under this act as are allowed them for similar services under the revenue laws of this state: *Provided*, that nothing contained in this act shall be so construed as to prevent the said corporation from providing for the assessment and collection of such taxes by ordinance as provided by the act incorporating said town.

§ 3. The president and trustees of said town shall have power and authority to lay out, establish, open, inclose, improve and keep in repair public squares or grounds; to lay out, open, alter, abolish, widen, extend, establish, grade, pave and keep in repair, streets, lanes, avenues and alleys,

Annual tax to be collected.

Assessment.

Fees of clerk and collector.

Public grounds and streets.

wherever they may deem proper, within the limits of said incorporation.

§ 4. The said president and trustees shall also have power and authority to purchase all or any lands which may be required for any of the purposes in the last preceding section of this act mentioned, if able to agree with the owner or owners thereof. All lands so purchased as hereinbefore provided, shall be conveyed to said town by deed or deeds, good and sufficient for that purpose, and all the estate, right, title and interest of each of the vendors of such land, shall, from the time the same shall be conveyed as aforesaid, be vested in said town absolutely. Purchase lands for streets.

§ 5. Whenever the said president and trustees shall have determined by an order duly entered of record, to do any of the things in the third section of this act mentioned, and for which land may be required, they shall make just compensation to the owner or owners of said property, and pay or tender the same before appropriating said land or opening or altering such street, alley, lane or avenue; and in case the amount of such compensation cannot be agreed upon between the said president and trustees and the owners of the land, the damages shall be assessed and compensation ascertained by six disinterested freeholders of the said town, who shall be summoned by a justice of the peace of said town for that purpose. Pay for ground.

§ 6. The said jury so empaneled to ascertain the damages which will be sustained by the appropriating of said land for public grounds, or by the opening or altering of any street, avenue, alley or lane, by any person or persons so owning property, shall first be sworn by said justice, and shall return to him their inquest in writing, signed by each of said jurors, and by him laid before the president and trustees at their first meeting thereafter; and either party may appeal therefrom to the circuit court of Madison county, as may be prescribed by ordinance. Damages by inquest.

§ 7. In the assessment of such damages the jury shall take into consideration the benefit as well as the injury happening to the owner or owners of property proposed to be taken for any of the purposes mentioned in said section three of this act. Benefits.

§ 8. The president and trustees shall also have power to levy a special tax, not to exceed two mills per annum, on the assessed value of all property in said corporation, for the purpose of purchasing any lands required for public use, or to lay out, establish, open, inclose, improve, pave and keep in repair public squares or grounds, streets, avenues, lanes, alleys and sidewalks, which shall be collected in the manner prescribed by section two of this act. Special tax.

§ 9. Section eighteen of the act incorporating said town, approved February 10, 1853, and section three of an act entitled "An act to amend the charter of the town of Ed- What repealed.

wardsville," approved February 27, 1854, and all other provisions in said act incorporating said town, conflicting with or inconsistent with the provisions of this act, are hereby repealed.

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

APPROVED February 16, 1865.

In force April 18,  
1865.

AN ACT to change the name of the town of Ellsworth.

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 Ellsworth, in the county of LaSalle, be and the same is hereby changed to the name of Lostant.

APPROVED February 16, 1865.

In force Feb. 16, 1865. AN ACT to authorize the vacation of streets and public grounds in the town of Evanston.

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 Evanston, shall have the power and authority to vacate any one or more of the public parks in said town, with the assent of a majority of the owners of property fronting upon the same; and also to lay out, open, vacate and alter, streets, alleys, drains, sewers, and ditches, in said town, and to assess the whole or any part of the expense thereof upon the property benefitted thereby.

§ 2. That the said trustees shall have the power to extend the eastern limit of said town into lake Michigan as far as one hundred feet beyond the east end of the pier now built into said lake, opposite to said town. They shall also have the right from time to time to extend the limits of said town so as to include therein any addition that may be made thereto, and any tract of land, the owner or owners of which, or a majority of them, may desire to have included in said town.

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

APPROVED February 16, 1865.



AN ACT to amend an act entitled "An act to incorporate the town of Farmington, in Fulton county," approved February 18th, 1857. In force Feb. 16, 1865.

*Be it enacted by the People of the State of Illinois, represented in the General Assembly,*

## ARTICLE I.

### OF BOUNDARIES AND GENERAL POWERS.

SECTION 1. That the inhabitants of the town of Farmington, in the county of Fulton and state of Illinois, be and they are hereby constituted a body politic and corporate, by the name and style of the "Town of Farmington," and by that name shall have perpetual succession, and may have and use a common seal, which they may change and alter at pleasure. Name and style.

§ 2. The boundaries of the corporation hereby created shall be as follows, to-wit: Beginning one-half mile north of the southwest corner of section number one, in township number eight, north of range four, east of the fourth principal meridian, and running thence west three-fourths of one mile, thence south one mile, thence east one and one-fourth miles, thence north one mile, thence west one-half of one mile, to the place of beginning, provided, nevertheless, that the town council of said town may, at any time, by ordinance, extend the limits of said corporation, not, however, to exceed two miles square. Boundaries.

§ 3. The inhabitants of said town, by the name and style aforesaid, shall have power to sue and be sued, implead and be impleaded, defend and be defended, in all courts of law or equity, and in all actions whatsoever; to purchase, receive and hold property, both real and personal, within the limits of said town; to purchase, receive and hold real property beyond the limits of said town, for burial grounds or other purposes, for the use of said inhabitants; to improve and protect such property, and lease, sell, convey and dispose of the same, and do all other acts and things in relation thereto, as natural persons. General powers.

## ARTICLE II.

### OF THE TOWN COUNCIL.

§ 1. The municipal government of said town shall be vested in a town council, consisting of a president and four trustees, who shall be elected, annually, by the legal voters of said town, and continue in office until their successors are elected and qualified. Board of trustees

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



- Vacancy filled by election. § 3. If any member of the town council shall remove from the town, his office shall thereby be vacated.
- § 4. All vacancies that may occur in the town council shall be filled by election.
- Quorum. § 5. The town council shall be judges of the qualifications, elections and returns of its own members, and shall determine all contested elections.
- Rules. § 6. A majority of the town council shall constitute a quorum for the transaction of business; but a smaller number may adjourn, from time to time, and compel the attendance of absent members, under such fines and penalties as may be prescribed by ordinance.
- Record of acts. § 7. The town council shall determine the rule of its proceedings, but no member thereof shall be appointed to any office under its authority, except temporary clerk.
- Oath of members. § 8. The town council shall cause to be kept, a journal of its proceedings, and such journal purporting to be a record of the proceedings of the town council, shall be received in all courts and places, without further proof, as evidence of all matters therein contained.
- Tie vote. § 9. Every member of the town council, before entering upon the discharge of the duties of his office, shall take and subscribe an oath (or affirmation) that he will support the constitution of the United States and of this state, and that he will well and truly perform the duties of his office to the best of his ability.
- Monthly meetings. § 10. Whenever there shall be a tie in the election for members of the town council, the judges of election shall certify the same to the police magistrate, who shall determine the same by lot, in the presence of said judges, who shall enter the result thereof, on their returns of said election.
- § 11. There shall be a stated meeting of the town council in each month, and such other meetings as may be called, to be held at such times and places as may be prescribed by ordinance.

## ARTICLE III.

## OF ELECTIONS.

- Annual election. § 1. On the first Monday in May, A. D. 1865, and on the first Monday in May in each year thereafter, an election shall be held in said town for the purpose of choosing a president and four members of the town council, hereby established: *Provided, however,* that if, for any reasons, an election shall not be held on such day in any year, the town council may order an election to be held at any other time, as soon thereafter as may be, giving due notice thereof, as may be prescribed by ordinance.
- Proviso. § 2. Every person entitled to vote for state officers, and who shall have an actual residence in said town for sixty days next preceding such election, shall be entitled to vote thereat.
- Legal voters.

## ARTICLE IV.

## POWERS OF THE TOWN COUNCIL.

§ 1. The town council shall have power to levy and collect taxes on all property, real and personal, within the limits of said town, not exceeding one-half of one per cent., per annum, upon the assessed valuation thereof, for general purposes; and they may enforce the payment of said taxes, in any manner to be prescribed by ordinance, not repugnant to the constitution and laws of the United States or of this state. Levy tax.

§ 2. To borrow money on the credit of said town, provided that the interest payable on the aggregate of all sums borrowed and outstanding, shall never exceed, in any year, one-half of the town revenue from real estate, for that year. Borrow money

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

§ 4. To appoint a clerk, treasurer, assessor, collector, police constable, street commissioner, and such other officers as they may deem expedient for carrying this act into full effect, and to prescribe their duties; to require all officers so appointed, to take an oath for the faithful performance of such duties, and to give bonds with such securities and penalties as may be prescribed by ordinance. Town officers.

§ 5. To fix the compensation of town officers, regulate the fees of jurors, witnesses, and others, for services rendered under this act, and to remove from office any person appointed by them. Pay of officers.

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

§ 7. To make regulations to secure the general health of the inhabitants, to declare what shall be deemed a nuisance, and to prevent, abate and remove the same, and to punish the author thereof.

§ 8. To open, alter, widen, extend, establish, vacate, abolish, grade, pave, or otherwise improve any streets, lanes, avenues, alleys, roads, squares, commons, parks, or other public grounds or places in said town, and to have exclusive control of the same.

§ 9. To build and keep in repair, bridges, culverts, and street crossings.

§ 10. To provide for protecting, inclosing, adorning, or otherwise improving any squares, commons, parks, or other public grounds in said town, or any other grounds or places belonging to said corporation.

§ 11. To provide for the erection of all needful buildings for the use of said town, and to levy special taxes therefor, when authorized to do so by the legal voters of the town at any election, and to collect the same as other taxes are collected.

Sidewalks.

§ 12. To cause the owners of lots or parts of lots or lands, on any street, alley or square, to improve the sidewalks in front of their respective lands, by grading, paving, planking, or otherwise, as may be directed by ordinance, and keep the same in good repair; and if any owner, or his agent, shall refuse or neglect to make such improvements within the time specified in such ordinance, or to repair the same at any time when notified by the street commissioner to do so, the town council shall have power to cause such improvement or repairs to be made at the expense of the town, and to assess a special tax upon the owner of such lots or lands, sufficient to cover all costs and charges therefor, which tax shall constitute a lien upon such lots or lands, and be collected, in all respects, as other taxes: *Provided*, that the cost of any such improvement or repairs, with all expenses attending the same, may be recovered by suit, brought in the corporate name, against the owner of such lots or lands, as for money paid and laid out for his use and benefit, and at his request.

Proviso.

Repair of streets

§ 13. To cause all the streets, alleys, lanes, avenues, and public grounds in the town, to be kept in good repair, and to this end they may require every able bodied male inhabitant thereof, over the age of twenty-one years and under fifty, to labor on such streets, alleys, lanes, avenues, or public grounds, not exceeding three days in every year, or pay commutation in lieu thereof, at the rate of one dollar for each day they may be so required to labor; and the inhabitants of said town are hereby exempted from working on any road beyond the limits of said town, and from paying any tax to procure labor to be done thereon.

Surveys.

§ 14. To provide for surveying, platting, numbering and recording the plat of any or all out lots or lands within the limits of said corporation, not now laid out into town lots in said town, and the additions thereto, and to cause such out lots and lands to be designated by such numbers in the assessment lists, and to sell the same for non-payment of taxes by such designation.

§ 15. To provide the town with water, and to dig wells and cisterns for the use of the inhabitants.

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

§ 17. To provide for the inspection and weighing of hay and coal, and the measurement of wood sold for fuel in said town.

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

§ 19. To restrain, regulate and prohibit the running at large of horses, cattle, sheep, swine and other animals, and to authorize the distraining, impounding and sale of the same when found running at large, contrary to any ordi-

nance; and to prohibit any indecent exhibition of horses or other animals.

§ 20. To establish and maintain a public pound, appoint a pound master, and prescribe his duties.

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

§ 22. To prevent horse racing, or any immoderate riding or driving within the limits of said town, of horses or other animals; to prevent the abuse of animals, and to compel persons to fasten their horses or other animals, attached to vehicles or otherwise, while standing or remaining in any street, square, vacant lot or other open place in the town.

§ 23. To prohibit and prevent any indecent exposure of the person, or other lewd or shameful practice, and punish persons guilty thereof.

§ 24. To prevent, suppress and prohibit any riot, affray, tumult or disturbance of the peace, by loud or unusual cries, noises, or any other disorderly conduct, disorderly assemblages, assaults, assaults and batteries, firing of squibs, rockets, guns, or other combustibles or firearms within the limits of said town.

§ 25. To prohibit, prevent and punish any wanton injury to private property, disorderly intrusion upon any private premises, petty pilfering, destruction or injury of shade trees, or any other disorderly proceedings, endangering or trespassing upon the rights of private persons or property.

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

§ 27. To license, tax and regulate auctioneers, peddlers, hawkers, ordinaries, and gift enterprises.

§ 28. To restrain, prohibit and suppress tippling houses, dram shops, gambling houses, bawdy houses, and other disorderly establishments.

§ 29. To restrain, prohibit and suppress all descriptions of gambling, swindling and fraudulent abuses, and to punish all persons in any manner engaged therein.

§ 30. To license and regulate, or to suppress and prohibit the selling, bartering, exchanging, giving away, trafficking in, or in any manner disposing of any wines, gin, rum, brandy, whisky, beer, or any other vinous, spirituous, malt, mixed or intoxicating beverages, within the limits of said town.

§ 31. To provide for taking enumerations of the inhabitants of said town.

§ 32. To pass all ordinances which they may deem necessary and proper for carrying into full effect the provisions of this act, and for the regulation of the municipal government of said town, and to execute the same, and to impose fines, forfeitures and penalties for the violation of any ordinance, or any of the provisions of this act, and to pro-

Ordinances



Proviso.

vide for the enforcement of such ordinances, and the recovery of such fines, forfeitures and penalties, in any manner not repugnant to the constitution of the United States or of this state: *Provided*, that in no case shall any such fine or forfeiture exceed the sum of one hundred dollars, for any one offense; and any such fine or forfeiture may be recovered before the police magistrate herein provided for, or any justice of the peace in said county of Fulton, in the corporate name; and such police magistrate or justice of the peace may, unless the amount of such judgment be paid forthwith, or satisfactory security given, issue execution against the goods and chattels of any offender, immediately upon rendition of judgment, or he may direct that such offender be held in custody and compelled to work out the amount of such fine and costs, on the public streets.

§ 33. To provide for the punishment of offenders against any ordinance or provision of this act, by imprisonment, not to exceed three months for any one offense, in the county jail, town prison, or other secure place, to be provided by them for that purpose.

Style of ordi-  
nances.

§ 34. The style of the ordinances of said town shall be, "*Be it ordained by the town council of the town of Farmington.*"

Record of ordi-  
nances.

§ 35. All ordinances passed by the town council shall be recorded in a book to be kept for that purpose, which book, purporting to be a record of the ordinances of said town, shall be received in evidence in all courts and places, without further authentication or proof.

Publication of  
ordinances.

§ 36. Printed or written copies of all ordinances passed by the town council shall be posted up in at least three of the most public places in said town, within thirty days after their passage, and all ordinances shall take effect at the expiration of ten days after such posting.

Proof of ordi-  
nances.

§ 37. All ordinances of the town may be proven by the seal of the corporation; and when printed or published in book or pamphlet form, and purporting to be printed or published by authority of the town council, shall be received in evidence in all courts and places without further authentication or proof; and any ordinance of said town printed and published in any newspaper in Fulton county, and purporting to be printed or published by authority of the town council, shall in like manner be received in evidence in all courts and places without further authentication or proof.

## ARTICLE V.

### OF THE PRESIDENT.

Powers of presi-  
dent.

§ 1. The president shall be the chief executive officer of the corporation, and as such shall be a conservator of the peace and have power to arrest, without warrant, and bring to trial, any person guilty of a violation of any ordinance or provision of this act; and he may appoint, from time to

time, as the same may appear to him necessary, such watchmen, by day or night, as may be requisite to preserve the peace in any emergency or apprehended disturbance; and such watchmen, so appointed, are hereby authorized to arrest, without warrant, and confine any person found engaged in any violation of any ordinance of said town, precisely as the police constable of said town is by this act authorized to do; and the said president is hereby authorized to call upon any white male resident of said town, over the age of twenty-one years, to aid in the enforcement of the ordinances of said town and to preserve the peace; and any person who shall fail or refuse to obey such call shall forfeit and pay to said town a fine, not exceeding ten dollars.

§ 2. He shall be active and vigilant in enforcing the laws and ordinances for the government of the town; he shall inspect the conduct of all subordinate officers of the town, and cause negligence and positive violations of duty to be prosecuted and punished; and shall have power, whenever he may deem it necessary, to require of any officer of said town, an exhibition of his books and papers.

§ 3. He shall preside at all meetings of the town council, preserve order, and have a casting vote in case of a tie, but no other. In case of his non-attendance at any meeting, the council shall appoint one of their number to preside at such meeting. Casting vote.

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

§ 5. His signature to any paper or document, as president of the town of Farmington, with that of the clerk, attested by the seal of the town, or their own private seals, shall constitute the signature of said corporation.

§ 6. He shall perform such other additional acts and duties as may be required of him by ordinance.

## ARTICLE VI.

### OF THE POLICE MAGISTRATE.

§ 1. At the election to be held in said town on the first Monday of May next, and at such election on every fourth year thereafter, a police magistrate of the town of Farmington shall be elected, who shall continue in office until his successor is elected and qualified. Police magistrate.

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

§ 3. Said police magistrate shall be commissioned and qualified in the same manner as justices of the peace are, and shall have the same jurisdiction, powers and emolu- Jurisdiction magistrate.

ments as other justices of the peace in Fulton county. He shall be a conservator of the peace for said town, and shall have jurisdiction in all cases arising under the ordinances of the town, in preference to other justices of the peace; and shall be entitled to the same fees for his services as are now allowed to justices of the peace in similar cases, under the laws of this state, and to be collected in the same manner.

Duties of police constable.

§ 4. It is hereby made the duty of the police constable of said town, and of all constables of Fulton county, to execute any process or order issued or made by such police magistrate in the county of Fulton in the same manner as processes are executed from other justices of the peace.

## ARTICLE VII.

### MISCELLANEOUS PROVISIONS.

Annual statement.

§ 1. The town council shall cause to be published at the close of each year a complete statement of the receipts and expenditures of the town during the year.

Judges of election.

§ 2. The members of the town council, or any two of them, shall be judges of the annual election held in pursuance of this act and such special elections as may be ordered by them, and shall conduct the same in such manner as may be prescribed by ordinance.

Fines and forfeitures.

§ 3. All fines imposed and collected for violation of any of the ordinances of said town, and all license fees and other moneys collected by virtue of this act or any ordinance passed in pursuance of this act, shall be paid into the treasury of said town by the officer receiving the same, and shall constitute a part of the general fund thereof.

Appeals.

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

Trial by jury.

§ 5. The right of trial by jury shall be allowed to any person charged with a violation of any of the provisions of this act, or a breach of any ordinance of said town.

Appointment of police constable

§ 6. The police constable to be appointed by the town council, as hereinbefore provided, shall have the same power and authority in all cases arising under the laws of this state

Duty of constable.

as other constables in Fulton county; and shall have the same right throughout the county of Fulton, to serve any process issued by any court, as other constables; and he shall have authority to arrest, without warrant, any person found engaged in a violation of any ordinance of said town, or any person liable to escape before warrant can be procured, and confine such person in the town prison or other secure place, or hold him in custody, until he may be brought



to trial; and any person who shall forcibly resist said police constable in the discharge of his duty, shall, upon conviction thereof, forfeit and pay a fine not exceeding one hundred dollars nor less than ten.

§ 7. Any member of the town council, or other officer of said town, shall be a competent witness in any suit, action or prosecution, wherein the town of Farmington may be a party. Witnesses.

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

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

§ 10. All actions, fines, penalties, forfeitures, and claims which have accrued to the president and trustees of the town of Farmington, shall be vested in, and prosecuted by the corporation hereby created; and all liabilities incurred and obligations entered into, by or with the said president and trustees shall be performed and executed to or by the corporation hereby created. Actions vested.

§ 11. All property, real and personal, heretofore belonging to the president and trustees of the town of Farmington, shall be and the same is hereby declared to be vested in the corporation created by this act. Property vested.

§ 12. This charter shall not invalidate any act done or ordinance passed by the president and trustees of the town of Farmington, nor divest them of any right which may have accrued to them prior to the passage of this act. Vested rights.

§ 13. Samuel Wilkinson, John S. Stetson, William C. Day, George Fawcett, and Lewis R. Caldwell, composing the present board of trustees of said town, shall constitute the town council herein provided for, (whereof the said John S. Stetson shall be the president,) and shall continue in office until the first Monday in May, A. D. 1865, and until their successors shall be elected and qualified; and all the other officers of said town now in office, shall respectively continue in the same until superseded, in conformity to the provisions of this act; but shall be governed by the requirements hereof. Present officers.

§ 14. The act entitled "An act to incorporate the town of Farmington," approved February 18, A. D. 1857, is hereby repealed. Act repealed.

§ 15. The town council hereby established shall, immediately after the passage of this act, take measures to promulgate this law, within the limits of the town of Farmington, and cause an election to be held on the first Monday in May next, for president and four members of the town council, and also for a police magistrate, as herein required; First election.



giving due notice of said election, as now required by the ordinances of the town of Farmington.

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

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

APPROVED February 16, 1865.

In force Feb. 13,  
1865.

# AN ACT to incorporate the town of Franklin Grove.

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 Franklin Grove, in the county of Lee, and state of Illinois, be and they are hereby constituted a body politic and corporate, by the name and style of "The Town of Franklin Grove," and by that name shall have perpetual succession; and may have and use a common seal, which they may change and alter at pleasure.

Name and style.

§ 2. The boundaries of said town shall be as follows: Commencing at the north-west corner of the north-west quarter of section No. one, (1), in township No. twenty-one, (21), north of range No. ten, (10), east of the fourth (4th) principal meridian; thence east, thirty-nine (39) chains and ninety-three (93) links, to the north-east corner of said north-west quarter of said section No. one, (1), thence south on said east line of said north-west quarter of section one, (1), to the Dixon and Fulton branch of the Chicago and North-western railroad; thence south-west along said railroad to the east line of the plat of Franklin Grove, (original survey); thence south to the south-east corner of said plat of Franklin Grove; thence west to a point ten (10) chains and fifty-two (52) links west of the east line of said quarter section; thence south with the east line of Lahman's addition to the town of Franklin Grove, to the south line of said north-west quarter of said section one, (1), thence west on said south line to the south-west corner of said north-west quarter, and thence north on the west line of said north-west quarter to the place of beginning.

Additions.

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

General powers.

§ 4. The inhabitants of said town, by the name and style aforesaid, shall have power to sue and be sued, to plead and be impleaded, to defend and be defended in all courts of law and equity; and in all actions whatsoever; to

purchase, receive and hold property, real and personal, in said town; and to purchase, receive and hold property real beyond the limits of said town for burial grounds, for the use of the inhabitants of said town; and to sell, lease, convey and improve property, real and personal, for the benefit of the said town, and to do all other things in relation thereto as natural persons.

## ARTICLE II.

## OF THE TOWN COUNCIL.

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

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

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

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

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

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

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

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

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

## ARTICLE III.

## OF POLICE MAGISTRATE AND TOWN CONSTABLE.

Election of magistrate and constable.

§ 1. There shall be elected in the town of Franklin Grove, by the qualified voters thereof, on the first Monday of March, A. D. 1865, and on the first Monday of March every four years thereafter, one police magistrate and one town constable, who shall hold their respective offices for four years and until their successors shall be elected and qualified.

Who may be magistrate.

§ 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 for one year next preceding his election, or who shall be under twenty-one years of age, or who shall not be a citizen of the United States.

Proviso.

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

Duties of police magistrate.

§ 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 bonds, and take and subscribe the same oath of office as other justices of the peace; and shall be a conservator of the peace for the said town; and shall have power and authority to administer oaths, issue writs, and processes to take depositions, to be read in evidence in any court in the state of Illinois; to take acknowledgment of deeds, mortgages and other instruments of writing, and to certify the same as other justices of the peace; and he shall have exclusive original jurisdiction of all cases arising under the ordinances of the corporation, and concurrent jurisdiction, power and authority in all cases whatsoever, with other justices of the peace, arising under the laws of the state, and shall be entitled to the same fees for his services as other justices of the peace in similar cases.

Constable's duty

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

mission 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 oppression, mal-conduct or partiality in the discharge of the duties of his office, he shall be liable to be indicted in the circuit court of Lee county, and on conviction, shall be fined in any sum not exceeding five hundred dollars, and be removed from office.



## ARTICLE IV.

## OF ELECTIONS.

§ 1. The first election under this act shall be held on the first Monday of March, A. D. 1865, in said town, for the president and six members of the town council; and forever thereafter on the first Monday in March of each year, there shall be an election held for said officers. First election.

§ 2. The first election shall be held, conducted, and returns thereof made, as may be provided by the present trustees of the town of Franklin Grove, and all succeeding elections as may be provided by ordinance by the town council by this act created.

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

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

## ARTICLE V.

## OF THE LEGISLATIVE POWERS OF THE COUNCIL.

§ 1. The town council shall have power and authority to levy and collect taxes upon all property real and personal, in said town, which is now or hereafter may be subject to taxation for state or county purposes, not exceeding one per centum upon the assessed value thereof, which said taxes shall be collected in the manner provided in the ninth section of an act entitled "An act to incorporate towns and cities," approved February 10, 1849, for the collection of corporate taxes. Annual tax.

§ 2. The town council shall have power to appoint a clerk, treasurer and street commissioner, and all such 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 security for the faithful performance of their duties as may be deemed expedient. Also, to require all officers appointed as aforesaid, to take an oath for the faithful performance of the duties of their respective offices before entering upon the discharge of the same. Town offices.

§ 3. To appropriate money, and to provide for the payment of the debt and expenses of the town.

§ 3. To make regulations to secure the general health of the inhabitants of the town; to prevent the introduction and spread of contagious diseases, and to determine what shall be a nuisance, and provide for the punishment, remo-



val and abatement of the same, within one mile each way of the corporate limits of said town.

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

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

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

§ 9. To regulate partition fences; and to provide for the inspection of hay, corn, wheat, oats and other grains, stone coal, and for the measurement of wood and fuel, to be used in said town.

§ 10. To compel persons to fasten horses, mules and other animals attached to vehicles while standing upon any square, street, lane, alley or uninclosed lot in said town.

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

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

§ 13. To regulate the storage and sale of tar, pitch, gunpowder and other combustible materials; and to prevent the firing of guns and other firearms or combustibles within the limits of said town.

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

§ 15. 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 sidewalk or pavement are or shall be ordered and proposed to be made, constructed or kept in repair: *Provided*, such tax shall be on such lots proportionate to the length of their respective fronts. Whenever the town council shall desire to collect such tax, a resolution that such tax shall be levied

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

§ 16. The town council, for the purpose of keeping the streets, alleys, lanes, avenues and highways, within the corporate limits, in repair, shall have power to require every able bodied male inhabitant of said town, over the age of twenty-one years and under fifty, to labor on such streets, lanes, alleys, avenues and highways, not more than three days in each year; and every person refusing or failing to perform such road or street labor, after being notified as provided by ordinance, shall forfeit and pay one dollar per day for each day so neglected or refused. The inhabitants of said town shall be exempt from the performance of road labor and payment of road tax outside the limits of the town of Franklin Grove, and the entire jurisdiction of the roads, highways and bridges in said town shall be held and exercised by the town council aforesaid. Street labor.

§ 17. To license, tax and regulate auctioneers, peddlers, shows and amusements and billiard tables.

§ 18. To restrain, prohibit and suppress tippling houses, dram shops, gaming houses, bawdy houses and other disorderly houses and lotteries.

§ 19. To prohibit, prevent and suppress horse racing, immoderate driving or riding in the streets, and to prohibit and punish the abuse of animals.

§ 20. To prevent and suppress riots, routs, affrays, noises, disturbances or disorderly assemblies in any public or private place within the corporate limits, and to restrain and punish vagrants, mendicants, beggars and prostitutes.

§ 21. To establish crossings on railroads within the corporate limits, and make necessary rules and regulations for keeping the same unobstructed; to regulate the speed that railroad engines and trains may run within the corporate limits, and to prevent the obstruction of streets and alleys by the standing of cars upon the same; and to require railroad companies to keep their ditches and bridges within the corporate limits in such condition as shall not endanger the lives or health of the inhabitants of said town.

§ 22. To fix the compensation of town officers and regulate the fees of jurors, witnesses and others for services rendered under this act or any ordinance, except when otherwise provided. Pay of officers.

§ 23. To impose fines, forfeitures and penalties for the breach of any ordinance, and to provide for the recovery Fines and forfeitures.

and appropriations of such fines and forfeitures, and for the enforcement of such penalties ; and to provide for the punishment of offenders by imprisonment in any secure place, for a period not exceeding sixty days for any one offense, in all cases when such offenders shall fail or refuse to pay the fines, forfeitures and penalties which may be recovered against them.

## ARTICLE VI.

## ORDINANCES, ETC.

Ordinances.

§ 1. The town council shall have power to make all ordinances which shall be necessary and proper for carrying into effect and executing 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 Town Council of the town of Franklin Grove.*" All ordinances shall, within one month after they are passed, be published at least once in a newspaper published in said town ; or, if no newspaper is printed in said town, by posting copies of said ordinance in three public places in said town ; and the certificate of the publisher of said newspaper, or of the clerk of the town council, under the seal of the corporation, shall be *prima facie* evidence of such publication. No ordinance shall take effect until published as aforesaid.

Notice of ordinances.

Proof of ordinances.

§ 2. Ordinances may be proven by the certificate of the clerk of said town council, attested by the seal of said corporation, and when printed or published in book or pamphlet form, and purporting to be printed or published by authority of the town council, such ordinances shall be received as evidence in all courts and places without further proof.

Writs.

§ 3. 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, specifying under what particular ordinance the said action is brought before the police magistrate of the town, except when any person shall make oath or affirmation that any ordinance has been violated, when it shall be the duty of the police magistrate to issue a warrant for the apprehension of any such offender or offenders. Changes of venue, appeals and writs of *certiorari* shall be allowed in all cases, by making such affidavits and complying with such requirements as are prescribed in like cases before justices of the peace: *Provided*, that said corporation shall be allowed to appeal in any case in which they are parties, by causing their clerk to execute a bond, in the name of said town of Franklin Grove, 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 ap-

Proviso.



peal, shall be sufficient evidence of the authority of said clerk to sign said bond.

§ 4. The right of trial by jury shall in no case be denied Trial by jury. to any person charged with a breach of any of the provisions of this act or any ordinance. Persons charged with any offense shall be entitled to a peremptory challenge of four jurors, and no more, and the corporation shall be entitled to a peremptory challenge of two jurors, and no more, in all cases arising under this act or any ordinance.

§ 5. All moneys arising from taxes, fines, licenses, or Taxes and fines. from any other source whatsoever, under or by virtue of this act or any ordinance, shall go into the treasury of said town, and be subject exclusively to the control and benefit of said corporation.

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

§ 7. All actions, fines, penalties and forfeitures which Actions and fines vested. have accrued to the president and trustees of the town of Franklin Grove, shall be vested in and prosecuted by the corporation hereby created; and all ordinances passed and acts done heretofore by the president and trustees of the town of Franklin Grove, are by this act legalized and affirmed, the same as if the same had been done by the corporation hereby created.

§ 8. All actions commenced against this corporation Actions. shall be commenced against them by the name and style of the town of Franklin Grove, and service of process to be legal must be had by copy upon the president of said town council, or in case of his absence, upon the clerk thereof.

## ARTICLE VII.

### OF THE PRESIDENT.

§ 1. The president shall preside at all meetings of the Casting vote. 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. After any ordinance shall have been passed by a majority of the town council, it shall then be submitted to the president for his approval or rejection. If the president approves the same, he shall signify such approval by writing upon the said ordinance the word "approved," and signing his name thereto, and return the same to the town council, or to its clerk, without unnecessary delay, when the same shall be published as heretofore provided. If the president rejects any ordinance, he shall return Veto. it to the town council within one month after he shall have received the same, with his objections thereto. If, after the president shall have rejected any ordinance, as aforesaid, it



shall again be submitted to the town council for its adoption or rejection, and if, upon such submission, it shall receive a vote of two-thirds of the members of the town council, it shall then become a law of said corporation, after due publication, notwithstanding the rejection or disapproval of said president. If the president shall not, within said thirty days, return to the town council, or its clerk, any ordinance rejected by him, the same shall be deemed to have been approved by him, and after publication as herein provided, shall be deemed a valid and legal ordinance, binding upon and in the said corporation.

§ 2. The president is hereby authorized to call on any male inhabitant of said town, over the age of twenty-one years, to aid in enforcing the laws and ordinances thereof, and any person who shall not obey such call shall forfeit and pay for the use of said town any sum not exceeding ten dollars, to be recovered in the same manner as other penalties under this act.

§ 3. The president 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 VIII.

### OF PROCEEDINGS IN SPECIAL CASES.

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

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

§ 3. 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 or altering any street, alley or avenue, shall first be sworn to that effect, and shall return to the police magistrate their inquest, signed by each juror: *Provided, always*, in the assessment of such damages the jury shall take into consideration the benefits as well as injury happening to the owner of property proposed to be taken for opening or altering a street, alley or avenue, by such opening or altering.

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

## ARTICLE IX.

## MISCELLANEOUS PROVISIONS.

§ 1. Whenever the police magistrate or town constable shall remove from town, resign or die, or his office shall be otherwise vacated, the town council shall immediately provide for filling such vacancy by an election; and whenever the office of police justice shall be vacant, actions under this act, or any ordinance in pursuance thereof, may be brought and commenced before any justice of the peace of the town of China, in Lee county, until such vacancy shall be filled. Vacancies

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

APPROVED February 13, 1865.

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AN ACT to amend the charter of the town of Girard, in Macoupin county. In force May 1, 1865.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the provisions of section twenty-three of an act approved February 9, 1853, incorporating the town of Carlinville, and which said provisions were made applicable to the town of Girard, in Macoupin county, by an act approved February 14, 1855, be and the same are hereby repealed, so far as they apply to said town of Girard, and the power heretofore conferred by said section twenty-three upon the president and trustees of said town of Girard be and the same is hereby conferred upon the school directors of school district number three, in town twelve, range six. Act repealed.

§ 2. Said town of Girard and school district number three, aforesaid, are hereby made one school district, and shall be known and called "School District Number Three." School district.

§ 3. This act is hereby declared to be a public act, and shall be in force and take effect from and after the first day of May, A. D. 1865.

APPROVED February 16, 1865.

In force when  
voted for.

# AN ACT to incorporate the town of Golconda.

Name and style.

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

Limits and jurisdiction.

§ 2. The corporate limits and jurisdiction of the town of Golconda shall extend over and include within the same all that district of country situated in the county of Pope, state of Illinois, embraced within the present limits of the town of Golconda, as recorded in the recorder's office of said county, in deed book A, pages 76 and 77, and all that district of country laid off into out lots adjoining said town.

General powers.

§ 3. The inhabitants of said town by the name and style aforesaid, may sue and be sued, implead and be impleaded, defend and be defended, in all courts of law and equity, and in all actions whatsoever, and shall have power to purchase, receive and hold property, real or personal, beyond the city limits, for burial grounds and other purposes, for the use of the inhabitants of said town; 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 Golconda shall, on the first Monday of March next, or as soon as practicable thereafter, and prior to the first Monday in April next, by ordinance, divide the said town of Golconda 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.

Additions.

§ 5. Any tract of land within eighty rods of the limits of said city, now or that may hereafter be laid off into town lots, may be included within the limits of said town by ordinance.

## ARTICLE II.

### OF TOWN COUNCIL.

Mayor and aldermen.

§ 1. There shall be elected by the qualified voters of said town a town council, to consist of a mayor and board of aldermen.

Ward members.

§ 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 town.

§ 3. If any alderman shall remove from the ward for Vacancy. which he was elected, his office shall thereby be vacated.

§ 4. The town council shall judge of the qualifications, Contested elec-  
tions. 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 non-attendance.

§ 6. The council shall keep a journal of its proceed- Record of acts. ings; 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 Oath to be taken their duties, shall take an oath to support the constitution of the United States and of this state, and that they will well and promptly perform the duties of their office to the best of their ability.

§ 8. All vacancies that may occur in the town council Vacancies. 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 town council, who shall determine the same by lot.

§ 9. The town council shall meet every first Monday in Monthly meet-  
ings. every month, and at such other times as may be necessary, upon the call of the mayor or any two members of the council.

§ 10. The town council shall have power to appoint a Treasurer and  
assessor. treasurer and a clerk, who shall also be assessor.

### ARTICLE III.

#### OF THE MAYORALTY.

§ 1. The chief executive officer of the town shall be a Election of may-  
or. mayor, who shall be elected by the qualified voters of the town, and hold his office for one year, and until his successor is elected and qualified.

§ 2. The mayor shall preside at all meetings of the Casting vote. council, and shall have a casting vote and no other; and in case of non-attendance upon any meeting of the council, the board of aldermen shall appoint one of their number chairman, *pro tem*.

§ 3. The mayor shall, at all times, be active and vigilant Duty of mayor. in enforcing the laws and ordinances for the government of the town, and it is hereby expressly made his duty to inspect the conduct of all subordinate officers of said town, 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



town, and the town council shall have full power to enact all ordinances necessary to carry out such recommendation.

Salary of mayor. § 4. The mayor shall receive for his services such salary as shall be fixed by an ordinance of the town; 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 IV.

##### ELECTIONS.

Annual election of mayor and aldermen. § 1. On the first Monday in April next an election shall be held in the town for one mayor and two aldermen in 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, an election shall be held for a mayor for the town and two aldermen for each ward, who shall hold their offices for one year and until their successors are elected and qualified.

Legal voters. § 2. All free white male inhabitants who have been residents of said town for twelve months previous to any election shall be legal voters: *Provided*, that said voters shall give their votes for mayor and aldermen in the wards in which they shall respectively reside, and in no other; and that no vote shall be received at any of said elections unless the 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 Golconda, and for all elections thereafter, the town council shall appoint three judges at the regular meeting in July, or as soon as convenient thereafter, to sit at all town elections, and also clerks of elections, who shall be paid out of the town treasury as may be directed by ordinance.

Poll books opened. § 4. The judges of any town 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 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 the town of Golconda shall cause public notice to be given of the election to be held for mayor and aldermen, and town judge 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 no-

tice in a newspaper printed in Golconda, at least ten days before such election, and for all town elections thereafter the council shall in like manner give public notice of such election.

## ARTICLE V.

### TOWN JUDGE AND MARSHAL.

§ 1. There shall be elected at the same time and in the same manner as the town council, a town judge and a town marshal, who shall hold their offices for one year, and until their successors are elected and qualified; and the town judge and marshal elected at the election to be held on the first Monday in April next, shall hold their offices until the first Monday in June, 1866, and until their successors are elected and qualified. Judge and marshal.

§ 2. The town judge is hereby constituted a justice of the peace, and shall be commissioned by the governor and qualify as other justices of the peace, and shall have jurisdiction, within the town limits, in all actions of debt and assumpsit for sums over one hundred dollars and not exceeding three hundred dollars, and in such suits shall receive the same fees as the circuit clerk, and in all other suits and for sums of one hundred dollars and less, he shall have concurrent jurisdiction with justices of the peace of Pope county, and receive the same fees; 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 marshal 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 have and keep a docket similar to the docket of the circuit court. Powers of judge.  
Further powers.

§ 3. The town marshal 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 town council, 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 town judge, and shall have power to summon witnesses, without written Marshal to be collector, street commissioner and market master.

subpoena, to appear and give evidence against such violators, and upon the failure of such witnesses to attend, the town judge shall forthwith issue a writ of attachment against them, and the town judge 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 town judge may continue the trial not more than three days, and may admit the offender to give bond for his appearance before said judge at the time named therein, which bond shall be made payable to the town of Golconda, and collected by action of debt before the town justice. 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 town judge shall render judgment against the principal and his security, and forthwith issue execution thereon, directed to the town marshal; and any person fined for violating any ordinance may pay such fine by laboring on the streets of said town, under the direction of the marshal, in such manner as may be determined by ordinance.

§ 4. All process issued by the town judge shall be directed to the town marshal, who shall receive the same fees as are allowed to a sheriff, unless changed by ordinance.

§ 5. The marshal 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 said marshal to the town judge, and punished in such manner as may be provided by ordinance.

§ 6. He shall receive a salary of not exceeding two hundred dollars per annum, to be fixed by the town council, besides his fees; and upon any omission or neglect of duty he shall be removed by the town council, who shall appoint his successor until the next regular election.

§ 7. The town marshal shall act as street commissioner and market master, and perform such duties as may be prescribed by ordinance.

## ARTICLE VI.

### OF THE LEGISLATIVE POWERS OF THE COUNCIL.

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



§ 2. The town council shall have power to require of all officers elected in pursuance of this charter, bonds with penalty and security, for the faithful performance of their respective duties, as may be deemed expedient, and also to require all officers 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 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. Bonds of officers  
Proviso.

§ 3. To make regulations to prevent the introduction of contagious diseases into the town; to make quarantine laws for the purpose, and enforce the same within five miles of the town. Powers of council.

§ 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, vacate, widen, extend, establish, grade, pave, or otherwise improve avenues, streets and alleys, and other public highways.

§ 6. To divide the town 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, and provide for the government thereof.

§ 9. To provide all needful buildings for the use of the town.

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

§ 11. To license, tax and regulate auctioneers, trading boats, merchants, retailers, grocers, taverns, hawkers, peddlers and brokers.

§ 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, dram shops and beer saloons.

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

§ 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 stone coal, the measuring of charcoal, fire-wood, and other fuel to be used or sold in the town.

§ 18. To provide for the taking the enumeration of the inhabitants of the town.



§ 19. To regulate the election of town 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.

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

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

Style of ordi-  
nances. § 23. The style of the ordinances of the town shall be: "*Be it ordained by the Town of Golconda.*"

Ordinances to be  
published. § 24. All ordinances passed by the town council shall, within ten days after they shall have been passed, be published in some newspaper in the town, 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.

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

#### ARTICLE VII.

Property taxable § 1. All real estate and personal property within the limits of the town of Golconda shall be subject to taxation by the town council, for the use and benefit of said town.

Assessment roll. § 2. The assessor shall prepare an assessment roll, with the following caption, in substance: "An assessment roll of all the real and personal property within the limits of the town of Golconda, 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 real estate within the limits of said town. If the owner is not known, 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 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 that said roll is true and correct according to the best information ; and said roll so certified, shall, on or before the second Saturday in July of each year be returned to the town council in session, or to the mayor: *Provided*, the assessment of real and personal property in said town shall not exceed the assessment of the same by the county assessor.

Return of roll.

§ 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 afterwards, the said council shall hear the application of any person who may consider himself aggrieved by the said assessment, and on being satisfied of any error therein, they may correct the same.

Errors of assessment.

§ 5. On the return of said assessment roll to the mayor or council, the town clerk shall cause to be posted, in the most public place of each ward, one written or printed notice that the assessment has been returned, and is ready for inspection ; and also, of the time when application may be made for renewing the same.

Copy of assessments.

§ 6. Immediately after the second Saturday of August, of each year, the town 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 town council shall annex a warrant, signed by the mayor of said town, 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 town ; and the said collector shall thereupon attend at some place in each ward of said town, for the purpose of receiving taxes—giving ten days' notice of such place, and the day on which he shall 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 and costs. 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

When property to be sold.

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 council, and pay over all money by him collected to the treasurer, and take his receipt for the same.

§ 7. In the return of 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 whereupon 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 town council may give him credit for the amount of taxes he has thus 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 and chattels whereupon to levy and collect the same; and the town council may credit him with the amount.

Judgment.

§ 9. 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.

Redemption of  
lands sold for  
taxes.

§ 10. All real estate sold for taxes and assessment 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 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 and county tax.

## ARTICLE VIII.

### OF PUBLIC IMPROVEMENTS.

Graded streets.

§ 1. The town council shall have power to cause any street, alley or wharf in said town 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 town; and to levy and collect a tax for the purpose of carrying into effect the above powers.



§ 2. Every owner of any lot or lots in said town, in front of whose premises the town 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 sidewalk be not constructed or repaired by such owner or owners, in the manner and within the time required by ordinance, the town 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 town 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.

Sidewalks.

Proviso.

Proviso.

## ARTICLE IX.

§ 1. The inhabitants of the town of Golconda are hereby exempted from working on any road extending outside the town limits; and the town council shall provide for all resident paupers.

Resident pau-  
pers.

§ 2. The town council shall have power, for the purpose of keeping the streets, alleys and wharf in repair, to require, by ordinance, every able-bodied male inhabitant in said town, over twenty-one years of age and under fifty, to work on said streets, alleys and roads, not exceeding five days in each and every year.

Street labor.

§ 3. Whenever any inhabitant of said town, 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 town judge, who shall forthwith issue his warrant commanding the town marshal to bring such inhabitant before the said judge, who shall try him as in other cases for violating a town ordinance; and if convicted, he shall be fined one dollar for each day he shall fail to work on said street or alley or wharf.

Fine for failure  
to work.

§ 4. The town council shall have power to provide for the punishment of offenders by fine, or imprisonment in the county jail, or by both fine and imprisonment.

Offenders.

§ 5. The town council shall cause to be published in a newspaper in said town, 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 by the cor-

Annual state-  
ment.



poration during the preceding year, and on what account received and expended, and said statement shall be certified to be correct by the mayor or the town clerk.

Suits.      § 6. All suits and prosecutions instituted by the corporation hereby created, shall be instituted and prosecuted in the name of the town of Golconda; and all actions commenced by, and all fines and forfeitures which have accrued to the president and trustees of the town of Golconda, 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 the town of Golconda, shall be vested in the corporation hereby created.

Appeals.      § 7. Appeals to the circuit court of Pope county shall be allowed from all judgments of said town judge in the same manner as from other justices of the peace.

Acts repealed.      § 8. All acts or parts of acts contrary to the provisions of this act are hereby repealed.

When sheriff may act.      § 9. Whenever the town marshal is unable or refuses to serve any process issued by the town judge, the same may be served by the sheriff or any constable of Pope county.

Fines and licenses.      § 10. All fines and forfeitures recoverable by indictment or action for any offenses committed within the limits of said town, and the amount of all licenses for selling spirituous, vinous, mixed or malt liquors shall be paid into the town treasury for the use of the town.

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

§ 12. No money shall ever be borrowed by the town 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.

Arrests.      § 13. The town marshal, 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 any 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 town judge.

Witness or juror      § 14. No person shall be incompetent to serve as a witness or juror in any suit where the town of Golconda is a party, by reason of his being an inhabitant of said town; and all ordinances of the president and trustees of Golconda shall remain in force till repealed by the town council.

§ 15. The president and trustees of the town of Golconda 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 the legal voters residing within the limits described in the second section of the first article 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 a 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, the said president and trustees giving ten days' notice of an election to be held for that purpose.

APPROVED February 16, 1865.

AN ACT to amend an act entitled "An act to incorporate the town of Grayville, in the counties of White and Edwards," approved February 13, 1855. In force Feb. 16, 1865.

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 Grayville shall have power to erect or provide a town prison or place of confinement in said town, to be called the town jail, or such other name as said town council may designate; to appoint and pay a keeper thereof, and to make such ordinances, rules and regulations for keeping and maintaining the same, and treatment of persons to be confined therein, as to them may seem proper and not inconsistent with the constitution of this state, or the general laws thereof in relation to county jails; and said town council may from time to time appropriate the necessary funds aforesaid out of the treasury of said town. Town prison.

§ 2. It shall be lawful for any person or persons, charged under oath with or convicted of a violation of any law or ordinance of said town, upon failure or refusal to pay any fine or fines assessed against him or them, or before conviction for safe keeping, when the party fails to enter into recognizance, to be confined in said town jail, as hereinafter provided. Confinement.

§ 3. In the absence or inability to act of the town constable, or whenever it is inconvenient to apply to said town constable, any other constable of the proper county may act and perform all such duties and receive such fees as would otherwise devolve upon and accrue to the said town constable; and it is hereby made the duty of every constable residing within said town, and upon the breach or violation of any law or ordinance of said town in his presence, by any person or persons, to forthwith arrest the offender or offenders, and bring him or them before some justice of the peace, to be dealt with according to law, or in case a trial cannot immediately be had, to commit such offender or Constable may act.

offenders to said town jail for safe keeping until a trial can be had.

Continuance of  
cause.

§ 4. Whenever a continuance shall be granted upon application, to any person under arrest for the violation of any law or ordinance of said town, the party so applying for a continuance, shall remain in custody of the constable until the case against him is disposed of, unless such party shall enter into a recognizance, with sufficient surety, as now provided by the general laws of this state; and in such case, and in all cases where any person may be under arrest for the violation of any law or ordinance of said town, and a trial cannot be immediately had because of the defendant's intoxication, or from any cause whatever, the constable in whose custody the offender may be, may commit any such offender to the town jail for safe keeping for the time being until the case against such offender can be tried, unless such offender enter into recognizance for his appearance at the proper time, as aforesaid.

Change of venue  
and appeal.

§ 5. Any justice of the peace residing in the town of Grayville, or in the county in which the cause of action shall arise or the offense be committed, shall have jurisdiction in all cases under this act, or the act to which this is an amendment, and under all laws and ordinances of said town, now or hereafter to be in force; and changes of venue and appeals shall be granted in all such cases arising under the general laws of the state: *Provided*, that the party praying an appeal shall demand the same upon the day of trial, and enter into bonds, with sufficient security, within three days thereafter, and shall remain in the custody of the constable until such bond is perfected and filed with and approved by the justice before whom the judgment was obtained; and in such case the constable may commit the defendant to the town jail for safe keeping until the appeal is perfected.

Offenders to be  
imprisoned.

§ 6. Whenever under the general laws of this state now or hereafter to be in force, in relation to assaults, assault and battery, affrays, and contempt before justices of the peace, it is, or may be lawful to imprison any person or persons convicted under such laws, and failing to pay the fine assessed, in the county jail. It shall in such cases be lawful for any justice of the peace residing in said town of Grayville, before whom any person shall be convicted and fined, under the provisions of said general laws, to cause the offender or offenders to be imprisoned in either the county jail, or in the town jail provided for in this act; and in case the offender is committed to the town jail, such committal and imprisonment shall be under the same regulations, in the same manner and to the like extent as now is or may hereafter be provided by the general laws of this state in relation to like offenders, in the county jail; and when such offenders shall be committed to the town jail, and the expenses of



such imprisonment cannot be collected from the defendant, the town of Grayville shall in the first instance pay the same, but said town of Grayville may collect the amount thereof from the county of White, upon presenting an account thereof to the county court of said county.

§ 7. That hereafter all vacancies in the town council, including treasurer and town constable, may be filled by appointment by the board of trustees. Any law or parts of law as contained in the charter of the town of Grayville requiring vacancies to be filled by election is hereby repealed. Vacancy.

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

APPROVED February 16, 1865.

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AN ACT to amend an act entitled "An act to amend an act entitled 'an act to incorporate the town of Havana, Mason county,' approved February 12, 1853," approved February 18, 1857. In force Feb. 15, 1865.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the board of trustees shall have power to levy and collect taxes upon all real and personal estate within the incorporate limits of said town of Havana, at the discretion of the board, in sufficient amount to defray the current expenses of said town, and to defray the expenses of paying off the coupons of the bonds issued by said town as they may become due. Annual tax.

§ 2. That the board of trustees may levy and collect a special tax on all real and personal property within the incorporate limits of said town, not exceeding fifty cents on the one hundred dollars' worth of taxable property, to be applied as a sinking fund to pay off the principal of the bonds issued to the Illinois River Railroad Company, and any other indebtedness said town may hereafter contract. Special tax.

§ 3. That the said board of trustees of said town shall have power and control over all public landings, streets and grounds along the Illinois river, opposite to and within the incorporate limits of said town, and may order such improvements on the wharf and public landings as they may see fit; and regulate, by ordinance, the manner of the landing of boats, and make all other rules in relation to the manner and time in which boats may lie at the wharf and public landings, and enforce its regulations by such fines and penalties as they may see fit, either against boats or persons. Trustees to control landing.

§ 4. The board of trustees shall have power to levy and collect wharfage of all boats that may land at the wharf and the public landings in the incorporate limits of said town, for the purpose of improving the wharf and public landings. Wharfage.



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

APPROVED February 15, 1865.

in force when AN ACT to incorporate the town of Highland, in Madison county, Illinois.  
voted for.

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 Highland, in the county of Madison, and state of Illinois, are hereby made and declared 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 Highland;" 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 include the original town of Highland and the several additions thereto, as the same are recorded in the recorder's office of Edwardsville, in said county of Madison.

§ 3. Whenever any tract of land, adjoining said town of Highland, shall be laid off in town lots, and duly recorded, as required by law, the same shall thereby be annexed 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, to plead and be impleaded, defend and be defended, in all courts of law and equity, and in all actions whatever; to purchase, receive and hold such property, both real and personal, within said town, as may be necessary for the uses and purposes of said corporation, and to purchase, receive and hold property, both real and personal, beyond the corporation limits, for burial grounds and for other public purposes, for the use of the inhabitants of said town; to sell, lease or dispose of property, real and personal, for the benefit of said town, and to improve and protect such property; and to do all other things, in relation thereto, as natural persons. The president and board of trustees shall prescribe, by ordinance, the mode of evidencing, certifying and acknowledging sales of real estate.

§ 5. The corporate powers and duties of said town shall be vested in a president and four trustees, who shall be elected annually, and shall hold their office for one year and until their successors are elected and qualified; a majority of whom shall constitute a quorum for the transaction of business; and the concurrence of three members of said

board shall be necessary for the passage of any ordinance or resolution, or to the transaction of any other business, but a smaller number may adjourn from day to day and compel the attendance of members, under such fines and penalties as may be prescribed by ordinance.

§ 6. Said town shall be divided into four districts, as follows: By the street running east and west, lying next north of the school-house square, and by the street running north and south, lying next west of the school-house square; and all that part of said town lying north and east of said streets shall constitute the first district; and all that part of said town lying north and west of said streets shall constitute the second district; and all that part of said town lying south and west of said streets shall constitute the third district; and all that part of said town lying south and east of said streets shall constitute the fourth district: *Provided*, the president and board of trustees may, at the January regular term, in any year, alter or change the boundary of any or all of said districts, so that said districts may be as nearly as possible equal in the number of inhabitants.

§ 7. There shall be an annual election held in each of said districts, on the first Monday in April in each year; the polls to be opened at two o'clock, p. m., and kept open until six o'clock, p. m., of said day: *Provided*, the first annual election under this charter, may be held on any Monday after the first Monday in April next. At said election the legal voters of each of said districts shall elect one trustee, who shall be a resident of the district for which he is elected, and vote for a president of said town, the person having the greatest number of votes for trustee of any district shall be duly elected trustee, and the person having the greatest number of votes in all four districts for president shall be duly elected president of said town. If any vacancy shall happen in any district, or in the office of president, by removal, resignation, death or otherwise, the same may be filled by special election in such manner as may be prescribed by ordinance. Notice of any election shall be given by two notices, posted up in two of the most public places in each district, ten days before the day of holding any election. It is hereby made the duty of the town clerk to post such notices.

§ 8. All persons who are qualified voters at the general elections of this state, according to the law in force at the time of holding any town election, and who are, and have been, *bona fide* residents of said town one year immediately preceding any election, shall be entitled to vote at any town election; and all legal voters, as above prescribed, who have resided in said town for one year immediately preceding any election, and being a *bona fide* freeholder in said town, shall be eligible to any elective office; and no person not having the qualifications aforesaid, and one year's resi-

dence in said town, shall be eligible to any elective office under this charter.

Powers.

§ 9. The president and board of trustees shall have power to ordain and establish such rules and regulations for the transaction of the business and concerns of the corporation as they may deem necessary and expedient, and to ordain and establish such by-laws, ordinances and regulations as may be deemed necessary for the good order and government of the said corporation, and for the management, disposition and application of its corporate property, and generally to execute all such acts and powers which are requisite to the full exercise of the powers conferred by this charter, and not contrary to the laws and constitution of this state; they shall have power and it shall be their duty, to preserve good order and harmony in said town, and to punish by fine persons guilty of open and public indecency, or horse-racing, within the limits of said town, and the owners and keepers of disorderly houses in said town; and to fine any persons guilty of any riot or unlawful assemblage, or of disturbing any lawful assemblage of the people; and also to punish by fine persons guilty of violating any of the ordinances of said town, or any breach of the peace.

§ 10. The president and trustees shall have power for the abatement of nuisances, and suppression of gaming and bawdy houses in said town, and to provide by ordinance what shall be deemed a nuisance: *Provided*, the ordinance declaring what shall be deemed a nuisance shall contain no provision on any other matter or subject, and before the same shall be of force it shall be submitted to the voters of said town for their approval or rejection, in such manner as may be provided by ordinance, and if adopted by a majority of voters voting for or against the same, it shall be in force from and after the same is so adopted. They shall have power to provide for the prevention and extinguishment of fires, and to organize and regulate fire companies, and to provide for taking the enumeration of the inhabitants of said town.

Licenses.

§ 11. The president and board of trustees shall have power to license, tax and regulate in said town, auctioneers, hawkers, peddlers and pawnbrokers; to license, tax, regulate or suppress theatrical and other exhibitions and shows; to license groceries and dram shops, and to fix the amount that shall be paid for such license as herein enumerated.

Streets and alleys.

§ 12. It shall be the duty of said president and trustees to cause all roads, streets, alleys, and bridges in said corporate limits, and for one mile beyond said corporate limits, to be kept in good repair, and for this purpose each male inhabitant of said town, of the age of twenty-one years and under fifty, shall labor on said roads, streets, alleys and bridges, two days in each year, under the direction of a street commissioner, or as may be provided by ordinance for that purpose, and in case of failure or refusal so

Fines.



to work, such person shall pay for each day's failure the sum of one dollar, which may be recovered before any justice of the peace in Madison county, in the name of "The President and Board of Trustees of the Town of Highland;" and if said labor shall be insufficient, the president and board of trustees may make such appropriations therefor, from time to time, as they may deem proper. It is also enacted that the road labor required to be performed by this act, shall exempt the inhabitants of Highland from the performance of any other road labor under the laws of this state; and the road tax assessed upon the property in said corporation, and upon the property for one mile beyond the limits of the corporation, shall be paid to the treasurer of the town of Highland, and may be collected in such manner as may be prescribed by ordinance.

§ 13. The fines and penalties herein provided for shall in no case exceed the sum of one hundred dollars, and may be recovered in the name of the people of the state of Illinois, before any justice of the peace or other court having jurisdiction of the same, and when collected the same shall be paid to the town treasurer for the use of said town; and also the licenses hereinbefore provided for, shall be paid to the town treasurer for the use of said town. Extent of fine.

§ 14. The president and board of trustees are hereby authorized and empowered to levy, assess and collect a tax on all the real and personal property in said town, and on the personal property of all persons who are residents of said town, not exceeding one-half of one per cent. annually of the assessed value of the same, for corporate purposes, and may adopt such modes and means for the assessment and collection of taxes, as they may from time to time deem proper, and provide the manner of selling property when the tax shall not be paid on it: *Provided*, the assessment of the taxable property of the town, for corporate purposes, shall be the same as that made by the county assessor: *And, provided, further*, that no sale of any real estate shall be made until public notice of the time and place of sale be given, and judgment obtained against the land, as required by the revenue laws of this state in force at the time. Taxes on both real and personal property may be collected by suit in the name of "The President and Board of Trustees of the Town of Highland," before any court in Madison county having jurisdiction of the same, in all cases where the delinquent can be served with summons: *Provided, however*, that no ordinance for levying and collecting a tax, as prescribed in this section, shall be of any force, until the same is submitted to the voters of the town and adopted by a majority of the voters voting for or against the same. Annual tax.

§ 15. Said president and board of trustees may provide for making and protecting sidewalks in any part of the town, but the owner or owners of the lot or lots in front of Proviso.

Sidewalks.



which any sidewalks shall be made in pursuance of any ordinance, shall pay one-half of the expense of the same: *Provided*, this provision shall apply only to lots which are improved; and if the owners shall neglect or refuse to pay the same, the president and board of trustees may levy a tax on such lot or lots for that purpose, and collect the same as other taxes are collected, or sue the owner for the same as in other cases, if he or they can be served with process.

Jurisdiction of  
police justice.

§ 16. In all suits, complaints and prosecutions under and by virtue of this charter, or any ordinance made in pursuance thereof, justices of the peace in Madison county shall have jurisdiction to the amount of one hundred dollars, and in all cases before justices of the peace under this charter, appeals may be taken by either party to the circuit court of Madison county, within five days after judgment rendered: *Provided*, that the people in criminal cases shall have no appeal.

Record of ordi-  
nances.

§ 17. The president and board of 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 all proceedings of the board, and no by-law or ordinance shall be in force until twenty days after the passage of the same, or such later period as may be fixed in any by-law or ordinance; and it shall be the duty of the town clerk to post up copies of all ordinances and by-laws affecting the public, under his certificate, and the seal of the corporation, immediately after the passage of the same, and at least ten days before the same takes effect. There shall be posted up one copy of the same in the most public place in each district, and on failure to post the same as hereby required, said clerk shall be fined two dollars in each case of failure, to be collected by complaint of any person in the name of the people of the state of Illinois, before any justice of the peace in said county of Madison.

Selling liquor  
without license.

§ 18. Persons selling spirituous, vinous or mixed liquors, wines, cider, beer, ale or porter within the corporate limits of said town by a less quantity than one gallon, without a proper license to keep a grocery or dram shop, shall be fined for each offense, the sum of ten dollars, as now provided in the statutes at large of this state, which may be collected, as now provided by law, or the same may be collected on complaint before any justice of the peace, in the town of Highland, and penalties or fines collected, before any justice of the peace in the town of Highland, under this section, shall be paid to the treasurer of said town for the use of said corporation; and the court first taking jurisdiction of such offense, in this section prescribed, shall retain jurisdiction of the same; and the same shall be a bar to any proceedings afterwards commenced for the same offense in any other court.

Elections by bal-  
lot.

§ 19. All elections by the people shall be by ballot, and as near as may be in conformity to the general elections

held under the laws of this state; but the president and board of trustees may make such further provisions in relation thereto as may be necessary.

§ 20. The president and board of trustees shall appoint <sup>Officers.</sup> a clerk, treasurer and one or more street commissioners, and such other officers of the corporation, as may be deemed necessary, and may remove the same at any time for any reason or reasons that may be satisfactory to themselves, and if the officer removed desires it, the reasons for his removal shall be entered in the records of the town. The clerk shall keep the records and seal of the corporation, and perform such other duties as may be prescribed by ordinance. The treasurer shall keep the funds of the corporation, and perform such other duties as may be prescribed by ordinance. The street commissioner shall keep the streets, roads, alleys, highways and bridges in repair; call on persons owing road labor to perform the same, and shall perform such other duties as may be prescribed by ordinance, and shall perform his duties at such time and in such manner as shall be prescribed by ordinance. The president <sup>Duties of officers</sup> and board of trustees shall prescribe the duties of any other officer that may be created, and shall fix the fees and compensation of town officers and others, for services rendered under the provisions of this charter, or any ordinance made in pursuance thereof.

§ 21. There shall be four regular meetings, annually, of <sup>Quarterly meet-</sup> the president and board of trustees, which shall be held on the second Monday of April, July, October and January; but called meetings may be held at any time, on the call of three members of the board. <sup>ings.</sup>

§ 22. In case of vacancies occurring in the board of <sup>Vacancy.</sup> trustees or president, the same may be filled by special election, on a call for that purpose of a majority of said officers remaining in office, and in case none of them are in office, or refuse to act, such election may be called by any thirty voters of said town.

§ 23. The style of ordinance of the town shall be, "*Be* <sup>Style of ordi-</sup> *it ordained by the President and Board of Trustees of the* <sup>nances.</sup> *Town of Highland;*" and all ordinances or by-laws of this corporation may be proved in all courts and places, by production of the original record of the same, or by copies thereof, certified by the clerk to be correct copies of the original, under his hand and the seal of the corporation; and printed copies of the ordinances and by-laws of said corporation, or of either, bound or stitched in book or pamphlet form, shall, *prima facie*, be presumed to be correct and admissible in evidence, in all courts and places, without further proof.

§ 24. The president and trustees each shall, before entering on the duties of his office, take and subscribe an oath, <sup>Oath of officers.</sup> before any person authorized by law to administer oaths, to

support the constitution of the United States and of this state, and an oath of office.

Contraction of debts.

§ 25. The president and board of trustees shall have no power to contract or negotiate any debts upon the credit of the corporation whatever; but if at any election held for that purpose a majority of the legal voters of said town, voting for or against, shall so decide, said president and board of trustees may contract and negotiate debts for corporate purposes, not to exceed at any time the sum of five thousand dollars; and it at any time it shall be deemed necessary and beneficial to the welfare and interest of said town, the president and board of trustees may submit a proposition to contract or negotiate debts to a greater amount to the legal voters of the town, and if at such election two-thirds of all the votes cast for or against such proposition, shall be in favor of the same, the said president and board of trustees shall have power and authority to contract and negotiate debts to the amount proposed in such proposition, and no more. Such election shall be advertised, held and conducted in the same manner as herein provided for other elections.

Posse.

§ 26. The president shall be active and vigilant in enforcing the laws and ordinances for the government of the town; he shall have power and authority to call on all male inhabitants of said town, over the age of eighteen years, to aid in enforcing the law and ordinances, and any and every person who shall fail or refuse to obey such call, shall forfeit and pay into the town treasury of said town the sum of ten dollars.

§ 27. The president and board of trustees shall not be entitled to any compensation for their labors as such; but in lieu of compensation, shall be exempt from any road labor imposed by this charter.

Charter to be voted on.

§ 28. This charter shall be submitted to a vote of the people of Highland on the third Monday of March next, and if adopted by a majority of voters, voting for or against the same, it shall become a law from the time the same is so adopted; but if a majority of voters so voting, refuse to adopt the same, it shall not become a law; but at any time not less than two months thereafter, any fifty voters of the town of Highland may call an election, fixing the time and place of the same, to vote for or against this charter, and, if adopted, by a majority vote, it shall become a law from the time it is so adopted; the polls at such election shall be opened at two o'clock P. M. and kept open till six o'clock P. M. of the same day; the voters of said town, who are present at the hour of opening the polls, shall appoint three judges and clerk, to act as such at that election; and if this charter is adopted, said judges and clerk shall make a certificate of the same, and file it in the county clerk's office of said county of Madison; and when the president

Second election.



and board of trustees are elected and qualified, it shall be their duty to make a certificate of their organization under this charter, and sign the same by their own hands and the hand of their clerk, and procure their corporate seal to be affixed thereto; which certificate, when so made, shall be filed in the office of the county clerk of Madison county, Illinois, which shall be notice to all officers and people that this charter has been adopted by the people of Highland, and is in force.

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

APPROVED February 16, 1865.

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AN ACT to amend an act entitled "An act to establish the town of Hyde Park, in Cook county," approved February 20, 1861. In force Feb. 6, 1865.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the board of trustees of said town of Hyde Park, shall hold stated meetings on the first Monday of each month, at eight o'clock in the evening, at such place as they shall, by resolution direct; at which times the said board may exercise any of the powers conferred upon them by law. The supervisor shall preside at all meetings and the town clerk shall act as secretary. Monthly meet-ings.

§ 2. All orders, ordinances and resolutions of said board of trustees, shall be posted for ten days in three or more public places in said town, by the secretary of said board; but they shall take effect and be in operation upon their passage, notwithstanding any failure to post the same. Ordinances in force.

§ 3. Any justice of the peace of said town, or any court of record of Cook county, shall have jurisdiction of any offenses under the orders, ordinances or resolutions of said board of trustees. Jurisdiction.

§ 4. 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 by-laws or ordinances under which the penalty or forfeiture is claimed, and to give the special matter in evidence under it. Actions

§ 5. In all prosecutions for any violation of any ordinance, by law, police or other regulation, the first process shall be a summons, unless oath or affirmation be made for a warrant, as in other cases. Process.



Fines.

§ 6. Any fines imposed for violation of any order, ordinance, regulation or resolution, shall be paid to said board, and shall by them be used to defray such expenses as may be incurred in the exercise of their power.

Quota of town.

§ 7. That said board shall have power, by resolution, to appropriate so much money as they may deem necessary, as a local bounty, for the purpose of filling the quota of said town under any call of the president for soldiers for the army of the United States; and through the proper officers of said town and county, to levy and collect taxes for that purpose, and reimburse any person for any advances that may have been or may hereafter be made therefor, at the request of the supervisor of said town.

§ 8. That in addition to the powers now conferred by law upon the board of trustees of said town of Hyde Park, the said board shall have power:

To abate nuisance.

*First.* 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 said town.

*Second.* To direct the location and management of, and regulate, license and prohibit breweries, tanneries and packing houses; and to direct the location, management and construction of, and regulate, license, restrain, abate and prohibit within the town, distilleries, slaughtering 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.

Cattle at large.

*Third.* To restrain and regulate or prohibit, the running at large, or herding of cattle, horses, mules, swine, sheep, goats and geese, and to authorize the distraining, impounding and sale of the same for the penalty incurred and the cost of the proceedings; and also to impose penalties on the owners of any such animals for a violation of any ordinances in relation thereto.

Jurisdiction.

*Fourth.* To abate and remove nuisances, and punish the authors thereof by penalties, fine and imprisonment; but nothing in this act shall be so construed as to oust any court of jurisdiction to abate and remove nuisances in the streets or any other parts of said town or within its jurisdiction, by indictment or otherwise.

Public grounds.

*Fifth.* To restrain, prohibit and punish, by fine or imprisonment, the cutting of trees or shrubbery upon any of the public grounds or highways in said town.

*Sixth.* To regulate, restrain, prohibit and punish, by fine or imprisonment, shooting in said town.

§ 9. Said board of trustees may exercise the power hereby conferred to abate nuisances, at any time, and appoint such agents as it may determine, to execute the same.

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

APPROVED February 6, 1865.

AN ACT to legalize an addition to the town of Jacksonville.

In force Feb. 15,  
1865.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the addition to the town of Jacksonville, Morgan county, known as Duncan's northwest addition, be and the same is hereby made and considered a legal addition to said town of Jacksonville, and shall be known as Duncan's northwest addition. And the lots, streets and alleys, as the same are now laid out and established, and the lines and boundaries of said addition, as well as the lines and boundaries of said lots, as the same are now occupied and are now known and established, shall be surveyed and platted, within a reasonable time after the passage of this act, by the county surveyor of said county and recorded in the recorder's office of said county; and said addition shall be considered a legal addition of said town: *Provided*, that the expense of said survey, platting and recording the same, shall be paid by the corporation of said town: *And, provided, further*, that all that part of North street, or the street on a line with said street, west of Fayette street, be and the same is hereby vacated: *And, provided, further*, that an alley forty feet in width, between Capps' and Lambert's additions, beginning on the south line of North street, so called, or on a line with said street, and running north to Reed street, be and the same is hereby opened: *Provided*, that no expense of opening the same shall be paid by said corporation.

Legal addition.

Survey and plat.

Proviso.

Proviso 2.

Proviso 3.

Proviso 4.

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

APPROVED February 15, 1865.

AN ACT to amend an act entitled "An act to incorporate the town of Kewanee," approved February 14, 1857.

In force April 15,  
1865.

[SECTION 1.] *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the act to incorporate the town of Kewanee, in the county of Henry,

Committal judgment. on

be so amended that the justice of the peace, police magistrate, or court before whom any person shall be tried and found guilty of violating any ordinance of said town, may, on rendering judgment against him for such violation, order that such person be committed to the calaboose of said town, or to the jail of said county, until such judgment and the costs of suit shall be fully paid or otherwise discharged by process of law. And the president and trustees of said town may provide, by ordinance, for the imprisonment in said calaboose and county jail, or either, of all persons against whom such judgment shall be rendered and order made, for a term not exceeding forty days, and for taking security from the defendant in such judgment for the payment thereof, and the costs aforesaid.

APPROVED February 16, 1865.

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In force Feb. 15, 1865, AN ACT to incorporate a board of trustees for the town of Lake View, in Cook county.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the supervisor, assessor and the commissioner of highways of said town of Lake View, and their respective successors in office, are hereby constituted and declared to be, *ex officio*, a board of trustees for said town of Lake View.

Monthly meetings. § 2. The said board of trustees shall hold stated meetings on the first Monday of each month, at eight o'clock in the evening, at such place as they shall by resolution direct; at which times the said board may exercise any of the powers conferred upon them by law. The supervisor shall preside at all meetings, and the assessor shall act as secretary.

§ 3. The said board of trustees shall have power, from time to time :

Streets and alleys. *First.* To cause any street, alley or highway to be paved, Macadamized, graveled or planked, and to keep the same in repair.

Drains. *Second.* To cause crosswalks and sidewalks, main-drains and sewers, to be constructed and laid, relaid, cleansed and repaired, and to regulate the same.

Public grounds. *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, except such park or public grounds as may be located by the board now or to be known as that of the North Park Commissioners: *Provided, nevertheless,* that said board shall not cause any such paving, Macadamizing, graveling or planking to be done, nor any

Proviso.



such sidewalks or main-drains or sewers to be constructed and laid, or any public grounds, park or square to be graded, improved or ornamented, except upon the written petition of residents of said town of Lake View—such petition to be signed by two-thirds in number of all the property-owners resident in said town, whose property shall be liable to be assessed, as hereinafter provided, to pay for such paving, sidewalks, or other improvements above named, which may be done or made in pursuance of the prayer of such petition.

§ 4. The expenses of any improvement mentioned in the foregoing section shall be assessed upon the real estate in said town of Lake View benefitted thereby, with the costs of the proceedings therein, in proportion, as nearly as may be, to the benefits resulting thereto. Benefits by improvement.

§ 5. The amount to be assessed for every 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 Lake View, to make such assessment. The commissioners thus appointed shall be sworn faithfully and impartially to execute their duty, to the best of their ability.

§ 6. The commissioners shall assess the amount directed by said board of trustees to be assessed upon the real estate by them deemed benefitted 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.

§ 7. 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 Lake View, 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 said town of Lake View, for the space of six days, to all persons interested, of the completion of the assessment, and the filing of the roll; and in said notices, a time and place shall be designated, at which said board of trustees shall hear objections to said assessments. Assessment.

§ 8. 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, or 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 Appeals.



Collection of assessment. 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 any order of 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.

Vacancy. § 9. 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.

§ 10. 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.

Pay of commissioners. § 11. 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 in such assessment.

Assessment, how collected. § 12. 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 Lake View, to set down, in a column for that purpose provided, opposite the several lots, pieces or parcels of real estate upon which assessments have been made for benefits, as hereinbefore provided, the amounts of said assessments, respectively; and it shall thereupon be the duty of the collector of taxes for the state and county to collect the said assessments, and enforce the payment thereof, in the same manner, and with all the rights, power and authority, that he had 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 judgement shall be rendered for the aggregate amount for state, county 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 assessments levied under this act, shall be exe-

cuted 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.

§ 13. Said board of trustees shall also have power :

*First.* To compel the owner or occupant of any grocery, cellar, tallow chandler 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 said town. Abatement of nuisance.

*Second.* To direct the location and management of, and regulate, license and prohibit breweries, tanneries and packing houses; and to direct the location, management and construction of, and regulate, license, restrain, abate and prohibit, within the town, distilleries, slaughtering establishments, establishments for straining or rendering lard, tallow, offal, and such other substances as can or may be rendered, and all establishments or places where any nauseous, offensive or unwholesome business may be carried on; and to regulate, restrain, abate and prohibit any shooting gallery, shooting park, or establishment for target shooting; and to punish, by fine and imprisonment, persons guilty of the violation of the ordinances, orders or regulations to be made by said board of trustees, in relation thereto. Licenses.

*Third.* To restrain and regulate or prohibit the running at large or herding of cattle, horses, mules, swine, sheep, goats and geese, and to authorize the distraining, impounding and sale of the same, for the penalty incurred and the cost of the proceedings, and also to impose penalties on the owners of any such animals, for a violation of any ordinances in relation thereto. Cattle at large.

*Fourth.* To abate and remove nuisances, and punish the authors thereof, by penalties, fines and imprisonment, and to authorize and direct the summary abatement thereof; but nothing in this act shall be construed so as to oust any court of jurisdiction to abate and remove nuisances in the streets, or any other parts of said town, or within its jurisdiction, by indictment or otherwise. Nuisances.

*Fifth.* To restrain, prohibit and punish, by fine or imprisonment, the cutting of trees or shrubbery upon any of the public grounds or highways in said town. Public grounds.

*Sixth.* To regulate, restrain, prohibit and punish, by fine or imprisonment, the shooting of fire-arms in said town. Fire arms.

§ 14. All orders, ordinances and resolutions of said board of trustees shall be posted for ten days in three or more public places in said town, by the secretary of said board; but they shall take effect and be operative upon their passage, notwithstanding any failure to post the same. Ordinances, how published.

Jurisdiction.

§ 15. Any justice of the peace of said town, or any court of record of Cook county, shall have jurisdiction of any offenses under the orders, ordinances or resolutions of said board of trustees.

Actions.

§ 16. All actions brought to recover any penalty or forfeiture incurred under this act, or the ordinances, orders or regulations made in pursuance of it, shall be brought in the name of the town of Lake View. It shall be lawful to declare, generally, in debt for such penalty or forfeiture, stating the clause of this act, or the ordinance, order or regulation, under which the penalty or forfeiture is claimed, and to give the special matter in evidence under it.

Process.

§ 17. In all prosecutions for any violation of any ordinance, order or regulation, the first process shall be a summons, unless oath or affirmation be made for a warrant, as in other cases.

Fines.

§ 18. Any fines imposed for violation of any order, ordinance or regulation, shall be paid to said board, and shall by them be used to defray such expenses as may be incurred in the exercise of their powers.

Nuisances.

§ 19. Said board of trustees may exercise the power hereby conferred to abate nuisances, at any time, and may appoint such agents as it may determine, to execute the same.

Local bounty.

§ 20. Said board shall have power, by resolution, to appropriate so much money as they may deem necessary, as a local bounty, for the purpose of filling the quota of said town, under any call of the president for soldiers for the armies of the United States, and, through the proper officers of said town and county, to levy and collect taxes for that purpose; and to reimburse any person for advances that may have been made or may hereafter be made therefor, at the request of the supervisor of said town.

Levy and collect taxes.

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

APPROVED February 16, 1865.

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In force Feb. 16, 1865. AN ACT to amend an act entitled "An act to incorporate the town of Lane, in the county of Ogle," approved February 22, 1861, and to change the name of said town.

Boundaries.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That section two of the act of incorporation of the town of Lane is hereby so amended that the board of trustees may extend the limits of said incorporation not to exceed two miles square of land.



§ 2. That from and after the passage of this act the name of the town of Lane, in Ogle county, shall be and the same is hereby changed to Rochelle. Name changed.

§ 3. Nothing in this act shall be construed to interfere with the rights of any person or persons heretofore acquired, nor to affect the title to any real estate or other property, nor to affect any part of any act of incorporation heretofore passed, not in conflict with this act, nor any ordinance passed in the name of the town of Lane, and the additions to said town of Lane shall hereafter be designated as additions to the town of Rochelle. Rights reserved.

§ 4. The board of trustees shall have power to borrow money on the credit of the town, and pledge the revenue of the town for its payment, and issue bonds therefor: *Provided*, that the amount of money borrowed and the indebtedness of the incorporation on account of money borrowed, shall at no time exceed three thousand dollars, and at a rate of interest not exceeding ten per cent., per annum: *Provided, also*, that 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 the same, twenty days' notice of such election shall be given, by publishing in any newspaper printed within said incorporation, or by posting notices as of other elections. Borrow money. Previso. Proviso 2.

§ 5. Whenever an order shall be issued for the payment of money, in compliance with section thirty-eight, of the act of incorporation passed February 22, 1861, shall be presented to the treasurer of the incorporation for payment, and there being no funds in the treasury for the payment thereof, the treasurer shall indorse on such orders the date of presenting; such order shall thereafter draw interest at the rate of six per cent., per annum, until paid. Orders to draw six per cent.

§ 6. At the annual election there shall be elected one town surveyor and one coroner. Surveyor and coroner.

§ 7. The town surveyor shall have 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 have the same binding effect and validity; and the said surveyor shall be, *ex officio*, sealer of weights and measures within said incorporation. Powers of surveyor.

§ 8. The town coroner shall possess the same powers as are given by law to county coroners, and have the same binding effect and validity within the incorporation. Coroner's powers.

§ 9. Nothing in this act or any former act, shall make it imperative upon the inhabitants of said town, in their corporate capacity to build any bridge across White river. Bridge on White river.

§ 10. The board of trustees shall have power to levy, annually, a tax on all real estate within the limits of the incorporation, and upon all personal property of the town, not exceeding one per cent. of the value thereof. Annual tax.



- Amount of tax. § 11. The board of trustees may, at any meeting prior to the second Monday in September, annually, ascertain how much money is necessary to be raised by tax. They shall then find what rate per cent. this amount will require to be levied, which rate, together with a list of the resident tax payers, certified by the president and clerk of the board of trustees, and returned to the clerk of the county court, on or before the second Monday of September. The said county clerk shall cause each person's tax so computed, to be set upon the tax book, to be delivered to the collector, for that year, in a separate column, against each tax payers' name or parcel of taxable property, as it appears in said collector's books, to be collected in the same manner and at the same time, and by the same persons as state and county taxes are collected. The clerk and collector shall be allowed the same compensation for services under this act as for similar services under the laws of the state.
- Collection of tax
- Fees. § 12. All special taxes remaining unpaid shall be returned by the clerk of the board of trustees, under the seal of the incorporation, to the county treasurer; and in all respects the proceedings to procure a sale of the lands for nonpayment thereof, shall be conducted in the same manner and by the same persons as other delinquent taxes are collected.
- Special tax.
- Interments. § 13. The trustees shall provide for and make all needful regulations respecting the burial of the dead; establish, lay off and control all public burying grounds within the limits of the incorporation.
- Pay of trustees. § 14. The board of trustees shall be entitled to compensation for all necessary service rendered the incorporation, to be fixed by ordinance, not exceeding two dollars per day.
- Failure to hand over property. § 15. Any person holding office under this act or any former act of incorporation, who shall fail to deliver to his successor all the corporate property in his hands on demand, shall forfeit to the incorporation one hundred dollars, besides all other damages caused by his neglect.
- President to be supervisor of county. § 16. The president of the board of trustees shall be, *ex officio*, member of the board of supervisors of the county of Ogle, and shall have the same powers and be entitled to the same compensation as other supervisors of said county.
- Acts repealed. § 17. All acts or parts of acts passed February 22, 1861, for the incorporation of the town of Lane, inconsistent with this act are hereby repealed.
- § 18. This act shall be deemed a public act, and shall be in force from and after its passage.
- APPROVED February 15, 1865.

AN ACT legalizing certain acts of the town of La Salle, in La Salle county, In force Feb. 16,  
and for other purposes. 1865.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the action of the town of La Salle, in La Salle county, in calling a special town meeting, in making a levy and assessment of taxes for the purpose of building a bridge across the Illinois river, and in appointing a committee to superintend the erection of such bridge, be and the same is hereby legalized and approved; and the contracts, bonds and agreements made by said committee in pursuance of the resolutions passed at the special town meeting appointing said committee, are hereby declared to be binding upon said town, and may be enforced by suit or otherwise. Bridge action legalized.

§ 2. Hereafter, when it shall become necessary for said town to build any bridge or to construct or repair any road, when the probable outlay will exceed one thousand dollars, it shall be lawful for the legal voters of said town at any annual town meeting or special town meeting, called for that purpose, to levy and assess a tax for such purpose, to provide how much and in what manner the work shall be done, and to appoint a committee of not less than three nor more than five for the purpose of superintending the building of any such road or bridge, or in repairing the same. Vote on bridge tax.

§ 3. The committee that may be appointed under the provisions of this act, shall have control of the funds and taxes that may be raised for any of the purposes specified in this act; shall elect one of their number, or such other suitable person as they may see fit, treasurer, who shall give to said town a bond, with good security, in double the amount of money that will come into his hands; said committee may also elect a secretary, who shall perform such duties as may be required of him by such committee, and such committee shall keep an accurate record and account of their doings and expenditures, and make report thereof to the next annual meeting of the town, after the completion of such work; and it shall also be the duty of such committee to publish, in some paper printed in the city of La Salle, or having the greatest circulation therein, for at least two successive weeks, the first insertion to be not less than four weeks next preceding the town meeting, to which they shall make their report, a full and complete account, showing the whole amount of money expended by them, and when and where the same was so expended and for what purpose. Bridge committee.

§ 4. The acts, contracts, bonds and agreements of any such committee shall be consistent with the instructions of the general or special town meeting appointing the same, shall be binding upon said town, and may be enforced by suit or otherwise; and any member of such committee, or Report of committee.

the treasurer or secretary thereof, that shall fraudulently dispose of any of the funds of said town, or shall fail or neglect to perform any of the duties imposed upon him by this act, or by said town, shall, on conviction, be fined not less than one hundred dollars nor more than one thousand, and imprisoned in the county jail of said county of La Salle, not exceeding twelve months; and in addition thereto he shall be personally liable to said town for all damages resulting from such neglect.

Town bonds.

§ 5. In case the expenditures authorized by said town as provided for by this act, shall exceed the amount of taxes ordered to be levied, said committee may issue the bonds of said town to an amount necessary to meet such excess, the bonds to be issued in such manner as may be provided for by said committee, and shall run for any length of time, not exceeding four years, and draw any rate of interest, not exceeding ten per cent., and it shall be the duty of said town to provide for the payment thereof: *Provided, however*, that nothing in this act contained shall be so construed as to authorize said town to raise a sum exceeding twenty-five thousand dollars for any purpose contemplated by this act, or levy a tax in any one year, exceeding two per cent. upon the assessed value of the real and personal property of said town.

Proviso.

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

APPROVED February 16, 1865.

In force Feb. 19,  
1865.

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AN ACT to amend an act entitled "An act to incorporate the town of Lewistown," approved February 16, 1857.

Liquor license.

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 Lewistown shall, in addition to the powers with which they are now invested, by virtue of the act to which this is an amendment, have power to regulate or license the sale of spirituous, vinous, malt or other liquors, within the corporate limits of said town, in such manner as may be prescribed by ordinance.

Billiards.

§ 2. The said town council shall also have power to regulate or license in like manner billiard tables or other games; but nothing in this act shall be so construed as to give to said town council the right to license any person or persons to keep within the corporate limits of said town, any house, table, or game of whatever character or description, where money or other valuable thing is won or lost.

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

APPROVED February 15, 1865.



AN ACT to change the name of the town of Liberty, in Randolph county, to In force Feb. 16, 1865.  
Rockwood.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the town of Liberty, in Randolph county, state of Illinois, shall be hereafter known by the name of Rockwood, and this act fully authorizes this change of name for all purposes, public and private. Name changed.

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

APPROVED February 16, 1865.

AN ACT the better to provide for the incorporation of the town of Lynn- In force Feb. 15, 1865.  
ville.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That George Anderton, Thomas Sturdy, William Richardson, George Elliott and John J. Scott, of the town of Lynnville, in Morgan 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 Lynnville," and by that name shall have perpetual succession, and may have and use a common seal, which they may change and alter at pleasure. Name and style.

§ 2. The aforesaid corporators and their successors, 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, 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 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 such property; and to do all other things in relation thereto, as natural persons. General powers.

§ 3. The boundaries of said town shall be one mile square, the centre of the public square in said town being the centre of said mile square, and all the lands within said limits shall be considered as the town of Lynnville. Boundaries.

§ 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 office for one year, and until their successors are elected and Annual election



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 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.

Qualification of trustees.

§ 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 shall have resided at least six months within the limits of the corporation. Every *bona fide* resident of said town possessing the requisite qualification to vote for state officers, shall be entitled to vote for trustees.

Oath of 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.

Quorum.

§ 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.

Vacancy.

§ 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.

Corporate taxes.

§ 9. The board of trustees shall have power and authority to assess and collect taxes, uniform in respect to persons and property, for corporate purposes, upon all the real and 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 ordinances, not repugnant to the constitution of the United States and of this state; and such ordinances may provide for the advertisement, sale, conveyance of any such real estate for taxes unpaid thereon to said corporation, and the time and mode in which the same may be redeemed from such sale, in the manner prescribed by the constitution of this state.

§ 10. The said board shall, also, have power to require every male resident of said town over the age of twenty-

one years, and under fifty, to labor, under the direction of the supervisor, on the streets of said town, and upon the public roads passing from and through said town, for one mile from the centre thereof, not exceeding three days in each and every year; and any person failing to perform such labor when duly notified by the supervisor, shall forfeit and pay such sum, for each day on which he has so neglected or refused to work, as the board may determine.

§ 11. The said board shall, likewise, have power to license, tax and regulate groceries, ordinaries and all places where spirituous or fermented liquors are sold by less quantities than one gallon; also, to license, tax and regulate theatricals and other public exhibitions, shows and amusements. Liquor license.

§ 12. They shall have power 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 incumbrances or obstructions, the streets of said town; to make, erect and keep in repair bridges, drains and sewers within said town. Pumps and wells

§ 13. 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.

§ 14. They shall, also, 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 the said corporation; also, to establish a hospital or hospitals in the said corporation, for the treatment of any epidemic or contagious disease, and to make regulations for the 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. Diseases.

§ 15. 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. Cruelty to animals.

§ 16. They shall, likewise, have power to prevent and punish riots, routs, affrays, assaults, assaults and batteries, Riots.

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.

Proviso.

Racing and fighting.

§ 17. They shall have power to prevent and punish battles by agreement, fighting matches, horse racing, cock fighting within the limits of said corporation.

Billiards.

§ 18. They shall have power to restrain and suppress billiard tables, ball alleys, tippling houses, dram shops, gaming houses, bawdy and other disorderly houses within said corporation.

Police.

§ 19. 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 or 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 Lynnvile.*"

Annual election.

§ 20. There shall be annually chosen, by the board of trustees, a treasurer, assessor, clerk, supervisor and town constable, who shall, also be, *ex officio*, the collector of said town, who shall hold their offices, respectively, for one year or until their successors are appointed and qualified. The said board shall have power to define the powers and duties of all town officers, and fix their fees and compensation, and to regulate the fees of jurors, witnesses and others for services rendered under any ordinance ; also, to require of all town officers bonds, with penalty and security, for the faithful performance of their respective duties, as may be deemed expedient ; and, also, to require all town officers to take an oath for the faithful performance of the duties of their respective offices ; such oath to be made, and said bonds, if required, to be given and approved by the board before the officer shall enter upon the discharge of his duties. The said trustees may, also, provide for removing any town officer from his office for cause, the accused being first furnished with the charges against him, and being heard, if he require it, in his defense.

Vacancy.

§ 21. Whenever any vacancy shall happen by the death, removal or resignation of the treasurer, assessor, clerk, supervisor or town constable, it may be filled by appointment of the board. Vacancies by the death, resignation or removal



of any other town officer, may be filled by a new election, to be ordered by the board on like notice, as in other elections; and, in the meantime, the board may make an appointment *pro tem.*, to expire upon the election and qualification of the officers elected to fill such vacancy.

§ 22. The town constable shall be authorized to execute anywhere within the limits of Morgan 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.

Duties of constable.

§ 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, in all cases where such offenders shall fail or refuse to pay the fines, forfeitures and penalties which may be recovered against them.

Fines and penalties.

§ 24. 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.

Annual statement.

§ 25. All ordinances passed by the said board, may be published in some newspaper printed in the county, or three written copies of such ordinances shall be posted up in three public places in said town. Any of said ordinances shall be sufficiently proved, in any court, by the production of a copy of the same, certified by the clerk of the corporation, or a printed copy taken from newspaper or pamphlet, in which it has been published: *Provided*, the same purports to have been published by authority of the corporation.

Ordinances to be made public.

Proviso.

§ 26. 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 the precinct, 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.

Jurisdiction of justice

§ 27. The president and trustees of said town shall not have power to extend the streets, or open any new streets through private property, unless with the consent of the owner thereof; and no land used and cultivated for agricultural purposes, within the corporate limits, shall be subject to a corporation tax.

Opening streets.

§ 28. The boundaries of said town as herein defined, shall constitute a district for the election of one justice of the peace, who shall be elected by the qualified voters of

District of justices.



said corporation ; he shall have exclusive jurisdiction of all cases arising under the ordinances of the corporation, and concurrent jurisdictional power and authority with other justices of the peace, in all cases whatsoever, arising under the laws of this state. The first election for a justice of the peace shall take place when this charter is adopted by the legal voters of said town ; he shall hold his office until the next regular election of justices of the peace, under the state law, when the voters of said town shall elect a justice ; the returns of said election to be made to the clerk of and county court ; he shall file bond and take the oath of office, as prescribed by the constitution and laws of the state, and shall be commissioned by the governor. He shall be entitled to the same fees as other justices, for similar services.

Acts repealed.

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

§ 30. This is hereby declared to be a public act ; to be received and used in all courts, without proving or pleading the same, and shall take effect from and after its passage.

APPROVED February 15, 1865.

In force April 18, 1865. AN ACT to incorporate the town of Marion, in the county of Williamson.

Name and style.

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

Boundaries.

§ 2. The corporate limits of the town of Marion shall embrace a territory of one mile square, extending one half mile east, west, north and south of the public square in said town.

General powers.

§ 3. The inhabitants of said town 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 town, and to improve and protect such property, and to do all other things in relation thereto, as natural persons.

§ 4. The municipal government of the town shall consist of a president and six trustees. President and trustees.

§ 5. There shall be a town clerk, a treasurer, street commissioner and assessor, a collector and a marshal, and such other officers as the board of trustees may deem necessary from time to time to appoint. Officers.

§ 6. The president and trustees, treasurer, assessor and collector of said incorporation, shall be elected by the qualified voters of said town. Election.

§ 7. The first election shall be held in said town on the .... day of ..... 1865, for the purpose of electing a president, six trustees, a treasurer, assessor and collector; the election to be held at the court house in said town, and the judges thereof to be selected from the qualified voters thereof; the president so elected shall hold and exercise the said office for the term of four years from the date of said election. First election.

§ 8. Three trustees, treasurer, assessor and collector, shall respectively hold their offices for one year; all the other officers mentioned or provided for in this act, or by ordinance of said town, shall hold their respective offices during the pleasure of the board; officers elected to fill vacancies shall hold the unexpired term only. Term of office.

§ 9. In case the people shall fail to elect any of the officers herein required to be elected, the council shall forthwith order a new election for such office; and when any vacancy shall occur by the death, resignation, removal or otherwise, of any officer elected by the people, except president, such vacancies shall be filled by appointment of the board. Vacancy.

§ 10. The board shall, previous to any election under this charter, give notice of such election by publication in a newspaper published in the town, or by printed or written notices, posted in three different places in said town. Notice of election.

§ 11. The board of trustees shall have power to regulate elections and to appoint the judges thereof. Voting shall be by ballot, and the judges of elections 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 town clerk, within one day after the election, and the president and trustees 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. Ballot vote.

§ 12. Every person entitled to vote at the general state election, who has been a resident in the town six months immediately preceding the municipal election, and who, if required by the judge or a qualified voter, shall take the Returns of election.

Legal voters.

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 of this town six months, immediately preceding this election, and have not voted at this election," shall be a qualified voter at all municipal elections. 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 town in pursuance hereof, shall be punishable according to the laws of this state.

Who may hold  
office.

§ 13. No person shall be eligible to the office of president or trustee who shall not be 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 town; and if the president or trustee, or any other officer, after his election or appointment, shall remove from the town or corporate limits, his said office shall thereby become vacated.

Quorum.

§ 14. The president and trustees shall judge of the qualification and election of its members, and shall hear and determine all contested elections under this act, and their decision shall be final. A majority of the 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.

Meetings.

§ 15. The board of trustees shall have power to determine and fix the time of its meetings, the rules of its proceedings, punish its members for disorderly conduct, and, with the concurrence of two-thirds of its members elected, expel a member. A journal of the board's proceedings shall be kept, and the yeas and nays, when demanded by any member present, shall be entered on the journal.

Duty of president.

§ 16. The president shall be the chief executive of the town; he shall preside at the meetings of the board, preserve order and direct the course of business before the board, and in case of any tie in the vote thereof shall give the casting vote; and he shall be the head of the police and fire department, and all marshals, deputy marshals, policemen, and all officers of the fire department, shall be under his command.

Who may be  
president.

§ 17. No person shall be eligible to the office of president who is not a citizen of the United States, and who shall not have been a resident of the town for two years next preceding his election, and who shall be under twenty-one years of age. If the president removes from said town during his term of office, it shall be declared vacated.

Case.

§ 18. The president is hereby authorized to call on any and all white male inhabitants of the town or county, over the age of eighteen years, to aid in enforcing the laws of the



state or ordinances of the town, or in case of a 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 town a fine of five dollars; he shall have power, whenever he may deem it necessary, to require of any of the officers of the town 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.

§ 19. All ordinances, before they take effect, shall be placed in the office of the town clerk, and if the president approve thereof he shall sign the same, and such as he may not approve he shall return to the board at the next meeting thereafter, with his objections thereto; upon the return of any such ordinance by the president, the vote by which the same was passed shall be reconsidered, and if, after such reconsideration, a majority of all the trustees elected shall agree, by the ayes and nays, which shall be entered upon the journal, to pass the same, it shall go into effect, and if the president shall neglect to approve or object for a longer period than ten days after an ordinance shall be placed in the clerk's office aforesaid, the same shall go into effect.

Ordinances published.

§ 20. The president shall, *ex-officio*, have the power to hear and determine all violations of ordinances, and shall alike have concurrent jurisdiction and power with justices of the peace of the state of Illinois, to hear and determine all cases within their jurisdiction, and shall certify the same, under the seal of the town, if any there be provided, and if not, under his private seal, which shall be good and valid in law.

Jurisdiction of president.

§ 21. In case the president is unable to perform the duties of his office, by reason of temporary or continued absence, or by sickness, the board of trustees shall appoint one of its members, whose official designation shall be "acting president," with like power and jurisdiction as conferred by this act upon the president, as far as relates to the ordinances and proceedings of said board.

Acting president

§ 22. The clerk shall keep the corporate seal and all books and papers belonging to the town; he shall attend all the meetings of the board, keep a full record of its proceedings, copies of all papers and ordinances filed in his office, and transcripts from the journal of the proceedings of the board, 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 board may

Duty of clerk.



direct. He shall have power to administer any oath required to be taken by this act.

Duty of treasurer.

§ 23. The treasurer shall receive all moneys belonging to the town, and shall keep an accurate account of all the receipts and expenditures, in such manner as the board may direct. All moneys shall be drawn from the town treasury in pursuance of an order of the board, by treasury warrant, signed by the clerk and president, and such warrant shall specify for what purpose the amount therein named is to be paid.

§ 24. The treasurer shall exhibit to the board 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 his office the treasurer shall deposit his account books in the office of the town clerk, where they shall be kept as public records of the town.

Duty of marshal.

§ 25. 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 town, 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 town, at any place within the county of Williamson.

Duty of assessor.

§ 26. The town assessor shall perform all duties in relation to the assessing of property for the purpose of levying taxes imposed by the board. 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.

Duty of collector

§ 27. The town collector shall collect all taxes and assessments which may be levied by the board, and perform such other duties as may be prescribed by ordinance.

Duty of officers.

§ 28. The board shall have power from time to time, by regular ordinances, 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.

Proviso.

Suits and actions

§ 29. All suits or actions for the recovery of any fine, penalty or forfeiture arising under this act or the ordinances of the town, where the amount sued for and in controversy does not exceed one hundred dollars, may be brought before the president or before any justice of the peace in the town designated by the board; and all such justices of the peace, when an action under this act shall be brought before them for the recovery of any moneys due the town, shall immediately upon collection being made, pay the same over to the town treasurer or other officer designated by the board.

§ 30. In all prosecutions or suits brought by the town of Marion for the violation of any ordinance, by-law or police regulation, the said town shall be exempt from all court fees to the same extent as the state, by the laws thereof, as in criminal prosecutions. Prosecutions.

§ 31. In addition to the powers hereinbefore mentioned, the board shall have power by ordinance, Powers of board.

*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 town, made taxable by the laws of the state, and in its manner provide for the levy of assessments and collection of town 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 assessment lists, and to make such regulations in relation to revising, altering or adding thereto, as it may deem right and proper. All taxes and assessments, general or special, levied or assessed under this act or any ordinance in pursuance hereof, shall be a lien on 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 of collection, until paid.

*Second.* To require all officers elected or appointed in pursuance of this act, to give bonds, with penalty and security, and take an oath for the faithful performance of their respective offices, upon entering upon the discharge of the same.

*Third.* To make any and all regulations necessary to secure, protect, preserve and restore the general health, and to prevent the introduction of contagious disease in the town; to make quarantine laws for that purpose, and to enforce the same.

*Fourth.* To appropriate and provide for the payment of the debts and expenses of the town.

*Fifth.* To declare what shall be a nuisance, and to prevent, abate and remove the same.

*Sixth.* To provide the town with water for the extinguishment of fire, and the conveniences of the inhabitants, in such manner as they may deem best.

*Seventh.* To open, alter or 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 town, 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 board, by ordinance, may provide, and to require the owners of any lot or piece of ground, to lay a good and substantial

sidewalk along any street or alley passing such lot or ground, in such manner as the board may provide. The expense of any improvement mentioned in the seventh division of this section, except sidewalks, shall be levied and assessed upon the real estate adjoining or benefitted thereby, with the cost 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 or upon whose premises the board shall order and direct sidewalks or private drains, communicating with any main drain, to be constructed, repaired, relaid or cleansed, shall make, repair, relay or cleanse such sidewalk or private 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 board may cause the same to be constructed, repaired, relaid or cleansed, and assess the expenses thereof, by an order to be entered in their proceedings upon such lots, respectively, and collect the same as in other cases. The board 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 the cost of any special tax or assessment authorized by the seventh division of this section, and it then may be optional with the board which remedy shall be pursued.

*Eighth.* The board shall make all necessary regulations in reference to keeping in repair all streets and alleys in said town, and to prohibit obstructions and nuisances from being placed therein.

*Ninth.* To erect market houses, to establish markets in market places, and to provide for the regulation and government thereof.

*Tenth.* To provide for the erection of all needful buildings for the use of the town; to license, tax and regulate auctions, merchants, retailers, groceries, taverns, hawkers, peddlers, brokers, pawn-brokers and money-changers; hackney 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.

*Eleventh.* To license and regulate porters, and fix the rate of portage.

*Twelfth.* To license, tax and regulate theatrical and other exhibitions, shows and amusements.

*Thirteenth.* 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.

*Fourteenth.* To license or entirely prohibit the sale of spirituous, vinous, mixed, malt or fermented liquors within the limits of the town, by any person or persons.



*Fifteenth.* To provide for the prevention and extinguishment of fires; to organize, establish and support fire companies.

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

*Seventeenth.* 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 chandler, 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.

*Eighteenth.* To regulate the conduct of persons present at any fire in said town, and to provide for the punishing of 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 five dollars, and to provide for the collection of said tax.

*Nineteenth.* To regulate, establish, and order party walls and partition fences.

*Twentieth.* 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 prohibit and restrain 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 proceedings 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 town, by prohibiting all acts, sports or amusements in the streets or public places of the town, of a dangerous character; to provide for the punishment of offenders by imprisonment in the county jail, and by requiring them to work on the streets of said town; in all cases where such offenders shall fail or refuse to pay any fine or forfeiture recovered against them.

*Twenty-first.* To regulate the police of the town; 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.

*Twenty-second.* To license, regulate, and suppress, and restrain, billiard tables, and from one to twenty pin alleys; to audit all accounts and claims against the town, and to re-



quire the auditor or claimant to verify his account or claim, by his own oath, or the oath of some other person.

Ordinances.

*Twenty-third.* To make all ordinances which shall, in anywise, be 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 or inconsistent with the constitution of the United States or of this state.

*Twenty-fourth.* The style of the ordinances of the town shall be, "*Be it ordained by the president and trustees of the town of Marion;*" and all ordinances passed by the board shall, within one month after they shall have been passed, be published in some newspaper published in the town, if there be any, if not, by written copies being posted in three several public places in said town.

Proof of ordinances.

*Twenty-fifth.* All ordinances of the town may be proven by a copy thereof, certified by the clerk and the corporate seal of the town attached, if there be one, and when 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.

Malfeasance in office.

*Twenty-sixth.* The president, trustees, or any other officer of the town, shall be liable to indictment in any court of record in the county of Williamson, for receiving a bribe for the exercise of any official power, for palpable omission of duty, willful aggression, or mal-conduct in the discharge of the duties of his office, and, upon conviction, shall be subject to a fine not exceeding one hundred dollars; and the court shall have power, upon the recommendation of the jury, to add, as a part of the judgment, that he be removed from the office.

Actions and fines

*Twenty-seventh.* All actions, rights, fines, penalties and forfeitures, in suits or otherwise, which may accrue under this act, shall be vested in and prosecuted by the corporation hereby created.

Term of office.

*Twenty-eighth.* All officers elected under and by virtue of this act, shall hold, exercise and retain their several offices until their successors shall be duly elected and qualified.

Arrests.

*Twenty-ninth.* All officers of the town, president and trustees 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 person or persons in custody, over night, in the county jail or other safe place, and shall have and exercise such other powers as conservators of the peace, as the board may prescribe.

*Thirtieth.* Nothing in this act contained shall be so construed as to deprive the board of said town of any power or authority conferred upon the same, by the act under which said town was incorporated. This act shall be deemed a

public act, and may be read in evidence without proof, and judicial notice thereof shall be taken in all courts and places.

APPROVED February 16, 1865.

AN ACT to incorporate the town of Mason, in Effingham county.

In force Feb. 15,  
1865.

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 Mason, Effingham county, are hereby made a body corporate and politic, under the name and style of "The President and Board of Trustees of the Town of Mason;" and by that name shall have a 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.

Name and style.

§ 2. The boundaries of said town shall include within their limits, all of section twenty-two, (22), also the south half ( $\frac{1}{2}$ ) of the southeast quarter, ( $\frac{1}{4}$ ), and the south half ( $\frac{1}{2}$ ) of the southwest quarter, ( $\frac{1}{4}$ ) of section fifteen, (15), all in town six, (6) north, range five (5) east, in the county of Effingham and state of Illinois.

Boundaries.

§ 3. Whenever any addition of town lots shall be made adjoining said corporation, and shall have been properly recorded, as required by law, the same shall become annexed and be a part of said corporation.

Additions.

§ 4. The inhabitants of said town, by the name and style aforesaid, shall have power to sue and be sued, to plead and be impleaded, to defend and be defended, in all courts of law and equity, and in all actions whatever, both real and personal; to purchase, receive and hold real or personal property within the limits of said town; to purchase, hold and receive property, both real and personal, beyond the limits corporate of said town for the purpose of burial grounds or other public purposes for the use of said town; to sell, lease or dispose of property, both 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.

General powers.

§ 5. The corporate duties and powers of said town shall be vested in five persons, who shall form a board for the transaction of business; and the persons who may be in office as trustees of said town, under the general incorporation law of this state, shall, after the passage of this act, be deemed to hold their offices by virtue of this act, and until their successors in office are elected and qualified, and to discharge their duties in conformity to this act.

Trustees.

Annual election	<p>§ 6. That there shall be elected on the first Monday in April next, and on every first Monday in April thereafter, five trustees, who shall hold their offices one year, and until their successors are elected and qualified; and public notice of the time and place of holding such election shall be given by the president and board of trustees of said town, by an advertisement published in a newspaper of said town, if there be one so published, and by posting up notices in three of the most public places of said town, at least ten days before said election. No person shall be eligible to the office of trustee of said town unless he shall be a white male inhabitant, above the age of twenty-one years, and a freeholder in said town, nor unless he shall have resided in said town for at least one year previously to his said election.</p>
Notice of election.	
Legal voters.	
Vacancy. Officers.	
Constable's duty	<p>All free white male inhabitants over the age of twenty-one years, who may have, under the laws of this state, a right to vote at any general election in said town, for any state or county officers, shall be entitled to vote at said elections for said trustees. And said board of trustees, at their first meeting, shall proceed to elect one of their own board as president, and shall have power to fill by appointment, all vacancies which may occur in said board by death, resignation or removal. Said trustees shall have power to appoint a town constable, assessor, treasurer, collector, clerk and street commissioner, all of whom shall be required to give bond with good security, in such conditions as the said board of trustees may require, and who shall also take an oath before some justice of the peace or notary public, well and faithfully to perform the duties of their respective offices according to the best of their skill, information and abilities. And it shall be the duty of said constable to serve all writs, precepts and process which may be issued against any person for any violation of the ordinances of said town; and the said constable shall have the same rights, powers and privileges and duties that other constables have, and shall have the same fees taxed as costs, that the law gives to other constables within the limits of the corporation. Said constable to hold his office for one year, and until his successor is elected and qualified.</p>
By-laws.	
	<p>§ 7. The trustees aforesaid and their successors, or a majority of them, shall have full power to ordain and establish such rules and regulations for their government and 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 seem necessary for the government of said town, and for the management, control, disposition and application of its corporate property; and generally to do and execute all such things which may seem necessary to them to do, not repugnant to the laws and constitution of the state of Illinois.</p>



§ 8. The said trustees shall have power to levy and collect a tax, not exceeding ( $\frac{1}{2}$ ) one-half of one per cent. on all lots, lands, improvements and personal property, in the limits of said corporation, according to the valuation; to tax, license or grant permits, to public shows, concerts, lectures, exhibitions of all kinds, houses of public entertainment, taverns, beer houses, stores, bakeries, etc.; and to license peddlers, auctioneers and venders of patent medicines, etc., for the purpose of making and repairing the streets and improving the same, and for keeping them in repair, and for the purpose of erecting public buildings and other works of public utility, as the interest and convenience of said town may seem to require; and may adopt such modes and means for assessment and collection of taxes, as they shall, from time to time, deem expedient; and to prescribe the mode of selling property when tax upon it shall not be paid: *Provided*, no sale of real estate shall take place until time and notice of such sale shall be given by notice published in a public newspaper, if one be published in the town, and by posting up notices in four of the most public places of said town, containing a list of the delinquent real estate, at least thirty days prior to said sale.

Tax to be collected.

Licenses.

Streets.

Proviso.

§ 9. When any lots of real estate shall have been sold for taxes as aforesaid, the same shall be subject to redemption, in the times and on the terms now provided for the redemption of real estate sold for state and county taxes; but should the real estate so sold for taxes in the time and manner provided for 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 make, execute and deliver to the purchaser or purchasers thereof, a deed therefor, signed by the president and countersigned by the clerk of the board of trustees.

Redemption of lands.

Tax deed.

§ 10. The board of trustees shall have the right and power to regulate, grade, plank, improve and pave the streets, alleys and public squares; make railroad crossings, and provide for keeping them open in said town; for which purpose they shall have power to levy annually, a road labor tax, of not less than three nor more than five days, against every able bodied white male, over the age of twenty-one years and under the age of fifty years, to be collected and expended in such manner as they shall determine and direct.

Street improvements.

§ 11. The said trustees shall have power to tax, restrain, prohibit and suppress, tippling houses, dram shops and gaming houses, bawdy houses and other disorderly houses; and to suppress and restrain billiard tables; to lay out and vacate streets and alleys, when the public good may seem to require it.

Disorderly houses.



- Riots.      § 12. Said trustees, or a majority of them, shall have power to preserve good order and harmony in said town; and to punish open indecency, breaches of the peace, horse racing, disorderly houses, riotous meetings or assemblages, and to punish persons for making loud or unusual noises, or for disturbing persons assembled for the purpose of religious or other meetings in said town; for which purpose said trustees may make such by-laws and ordinances, not incompatible with the laws of this state, as they may deem necessary or expedient to carry the provisions of this act into effect; and to impose fines for the violation of any of their by-laws or ordinances, to be recovered before any justice of the peace in said town, by action of debt.
- By-laws.
- Offenders, how fined.      § 13. It shall be the duty of any justice of the peace of 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 constable or any authorized person, to apprehend 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 has been guilty of the violation of any law or ordinance of the corporation, to impose such fines or imprisonment as may be provided for by such ordinance.
- Appeals allowed.      § 14. In all cases arising under the provisions of this act, appeals may be taken, writs of *certiorari* may be allowed as is now or may hereafter be provided for by law.
- Fines.      § 15. All fines or moneys collected for licenses granted under the provisions of this act, shall be paid into the town treasury for the use of the inhabitants of this town.
- Records.      § 16. The trustees shall provide all the necessary books and have, by their officers, true and correct records kept of all their proceedings and of the proceedings of their officers: which books, or attested copies thereof, shall be proof in all courts in this state; said records to be kept most fully and entirely, of all proceedings and acts of said board of trustees, and of all by-laws and ordinances; and no ordinance shall be of any force until the same shall have been advertised in a newspaper, if one be published in said town, and by posting copies in three of the most public places in said town for ten days.
- Sidewalks.      § 17. The said trustees shall have power to make pavements or sidewalks in said town, as to them may seem needful: *Provided*, that any lot in front of which any sidewalk is to be made, shall be taxed one-half of the expense of such sidewalk.
- Proviso.
- Nuisance.      § 18. 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.

§ 19. The corporation of said town is endowed with all the powers and privileges that are accorded to the cities of Springfield and Quincy, by the charters thereof and the amendments thereto. Powers and privileges.

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

APPROVED February 15, 1865.

AN ACT to amend an act entitled "An act to incorporate the town of Mattoon," approved February 22, 1859. In force Feb. 16, 1865.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the following sections of the above entitled act be amended so as to read as hereinafter expressed. Sections amended.

§ 2 To organize and regulate the police of the city, and to appoint a chief of police for said city, with such assistant police as may be necessary; and that said chief of police and assistants have original concurrent jurisdiction with the city constable, to execute writs or other process issued by the police justice of said city, in all cases of criminal complaint or cases where said city is a party; also, to execute process issued by any justice of the peace in criminal cases, or in cases where said city is a party to the suit, and shall be entitled to the same fees as other constables in like cases. Police.

To impose fines, forfeitures and penalties for the breach of any ordinance; for the recovering and appropriation of such fines and forfeitures, and for the enforcement of such penalties: *Provided*, that the right of trial by jury shall in no case be denied to any person charged with a breach of any of the provisions of this act or ordinance. And that section one of article four [of] an act to amend an act entitled "An act to incorporate the town of Mattoon," approved February 22, 1861, be amended by striking out the word "supervisor," and inserting therein the word "supervisors." Also, that section twenty-four of article five of the same act be so amended as to read as follows: All ordinances passed by the city council may be published either in some newspaper printed in said city, or in book or pamphlet form, by order of the city council, or by public proclamation by the president of the city council in case of necessity or emergency, and shall not be in force until they have been so published; and one insertion in said newspaper shall be sufficient publication thereof, or publication in book or pamphlet form, when purporting to be published by order of the city council, shall also be sufficient publication thereof; and the posting up in the public places of said city generally, of a printed ordinance Process.

Fines.

Proviso.

Notice of ordinances.

passed by the city council, with proclamation by the president of the city council, that the same is in force, shall also be sufficient publication. Newspaper publication, as aforesaid, may be proven either by the printer's certificate or parol; book or pamphlet publication of ordinances, as aforesaid, when purporting to be printed or published by authority of the city council, shall be sufficient publication thereof, and the same shall be fully received in evidence in all suits or cases before the courts in this state, without further proof; publication by proclamation may be proven either by the certificate of the president of the city council or by parol.

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

APPROVED February 16, 1865.

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In force Feb. 16, 1865, AN ACT to amend an act entitled "An act to incorporate the town of Mendota."

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the act entitled "An act to incorporate the town of Mendota," approved February 19, 1859, is hereby so amended that the election for trustees shall be held on the first Monday in May in each year.

Annual election.

§ 2. The present president and trustees shall hold their respective offices until the first Monday in May next, and until their successors are elected and qualified.

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

APPROVED February 16, 1865.

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In force Feb. 16, 1865,

AN ACT to amend the present charter of the town of Moline.

Street labor.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the present charter of the town of Moline be amended as follows, to-wit: The president and trustees of said town shall have power to cause all the streets, alleys and public roads within the limits of said town to be kept in good repair, and to this end they may levy a tax, not exceeding two dollars in each and every year, against every able bodied male resident of said town over the age of twenty-one years, and under fifty years of age; said tax to be collected by the same collector and at the same time of other corporation taxes; and if such tax be insufficient for the purpose, to appropriate so much



from the general funds of the corporation as they shall deem necessary therefor.

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

APPROVED February 16, 1865.

AN ACT to change the width of a certain street in the town of Mt. Vernon. In force Feb. 16, 1865.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That all that portion of Washington street lying between main and Harrison streets, in the town of Mount Vernon, in Jefferson county, is hereby changed and declared to be seventy-six and one-half feet in width instead of eighty-two and one-half feet in width, as originally laid out, and that six feet in width be taken from the east side of said original street, and attached to block sixteen in said town of Mt. Vernon. Width of street.

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

APPROVED February 16, 1865.

AN ACT to incorporate the town of Nashville.

In force Feb. 16, 1865.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the resident inhabitants of the town of Nashville, in Washington county, are hereby constituted a body politic and corporate, to be known by the name and style of "The President and Trustees of the Town of Nashville;" and by that name shall be known in law, and shall have perpetual succession; may sue and be sued, plead and be impleaded, defend and be defended, in all courts of law and equity, and in all matters whatsoever; may grant, purchase, receive and hold real estate and personal property, within the limits of said town; may lease, sell and dispose of the same for the benefit of said town, and may lease any of the reserved lands which have been or may be appropriated to the use of said town, and may do all other acts as natural persons; may have a common seal, and may alter and change the same at pleasure. Name and style.

§ 2. That the boundaries of said corporation shall be as follows: Commencing at the north-east corner of the west half of the south-east quarter of south east quarter of section number thirteen, in township number two south of range number three west of third principal meridian; thence General powers.

Boundaries.



west one mile; thence south one mile; thence east one mile; thence north one mile, to the place of beginning, including all the territory within the above bounds. The board of trustees are hereby authorized to extend the bounds of said corporation at any time they may desire, so as to include any and all additions to said town hereafter laid out, or upon petition of a majority of the legal voters residing in any territory not included in the above bounds adjoining said bounds.

Additions.

Trustees.

§ 3. The corporate powers and duties of said town shall be vested in five trustees, who shall form a board for the transaction of business, one of whom shall be elected president by a vote of the board, on the first meeting after the election of the trustees.

Annual election.

§ 4. The board of trustees shall be elected annually by ballot, at such time as may be prescribed by the ordinances of the town, to serve one year, and until others shall be legally elected and qualified; they shall be at least twenty-one years of age, citizens of the United States; shall reside in the limits of the corporation at least six months prior to their election, and shall possess a freehold estate within said

Oath of trustees.

corporation; they shall, before entering upon the duties of trustees, severally take and subscribe an oath to support the constitution of the United States and of this state, and faithfully to perform the duties of trustees according to law, to the best of their abilities. Those persons only shall be quali-

Legal voters.

fied to vote for trustees, police magistrate and other elective officers of said corporation who are legal voters for state officers, and have actually resided within the limits of said corporation six months prior to the election at which he shall offer to vote. The first election under this act shall be held on the second Saturday of February, A. D. 1865; and should no election be held then under this act, the board of trustees of the said town of Nashville, as incorporated under the general law entitled "Cities and Towns," shall remain in office one year, and shall perform all the duties and have all the powers conferred upon the board of trustees hereafter to be elected under this act; and all ordinances passed by said board of trustees now in office, shall be and remain in full force and effect until repealed, amended or modified by the board of trustees elected or continued in office by this act as if passed under this act.

First election.

Ordinances.

Police magistrate.

§ 5. There shall be elected at the same time and in the same manner as the trustees, a police magistrate, who shall be commissioned by the governor, and who shall give bond and take an oath of office before the county clerk, the same as justices of the peace; his term of office shall be four years, and until his successor is elected and qualified; he shall have exclusive original jurisdiction to hear and determine all causes arising under the ordinances of said town, and wherein the corporation is a party, and concurrent

jurisdiction with justices of the peace in said county, and shall proceed in like manner as justices of the peace, and appeals and writs of *certiorari* may be prosecuted in any cause tried by him, the same as any other justice of the peace, and he shall receive the same fees as other justices of the peace for like services.

§ 6. The board of trustees shall have power to appoint or provide for the election of all officers deemed necessary to conduct the business of the corporation; to fix and regulate the fees and salaries of all officers of the corporation; to levy and collect taxes upon all real and personal estate within the limits of the corporation, not exceeding one per cent. of the assessed value thereof, subject to taxation; to make regulations to secure the general health of the inhabitants of said town; to prevent and remove nuisances; to restrain cattle, horses, sheep, swine and dogs from running at large; to establish night watches, erect lamps in the streets and lighting the same; to erect and keep in repair bridges; to license and tax merchants, groceries, auctioneers, taverns, theatrical and other shows, beer houses, billiard tables and any other amusements; to restrain and prohibit gaming, gaming houses, bawdy houses and disorderly houses generally; to prevent the shooting of fire-arms and carrying deadly weapons within the limits of said corporation; to establish and erect markets and maintain the same; to open and keep in repair and clear of obstructions the streets, avenues, alleys, drains, sewers and side-walks of said town; to establish and regulate a fire department and provide for the extinguishment of fires in said town; to dig wells and erect pumps in the streets for the convenience of the inhabitants, or construct aqueducts to supply the town with water; to regulate the storage of gunpowder and other combustible materials; to regulate the police of the town generally; to establish and enforce quarantine laws; to receive, collect and appropriate any and all money that may arise from the granting of grocery or other licenses, fines and forfeitures, for breach of any ordinances of said town; to pass all such ordinances from time to time as may be necessary to carry into effect all the provisions and powers granted by this act, and impose such fines for the breach of any ordinance or ordinances passed by the board of trustees by virtue of this act: *Provided*, that all ordinances passed by said board of trustees shall be published by said board of trustees ten days before they shall take effect, such publication to be in some newspaper published in said town, or by posting up a written copy of such ordinance or ordinances in some public place in said town; to regulate the speed with which horses and other animals may be rode or driven within said town; to provide for the trial and punishment of persons engaged in assaults, assaults and batteries, affrays, riots and disturbances of the peace within the limits of said town; to pro-

Powers of board  
of trustees.

Proviso.

vide that such punishment may be inflicted for any offense against the ordinances and laws of the corporation as is or may be provided by law for the punishment of persons guilty of like offenses against the laws of the state: *Provided*, that no person shall be deprived of the right of trial by jury in any case when such person would be entitled to trial by jury for like offense against the law of the state; to enforce the payment of all fines assessed for any violation of the ordinances of said town in the same manner that fines are collected for violation of state laws for like offenses; to provide by ordinance for imprisonment in the jail of Washington county of any person against whom any fine may be assessed and judgment recovered therefor in favor of said corporation, or to provide that any person against whom any such judgment may be recovered, instead of being committed to jail, shall labor on the streets, roads, alleys or side-walks, under direction of the street commissioner, until the whole of such fine and cost are fully paid at the same rate per day as may be required as a forfeiture for a failure to perform street or road labor; to declare by a vote of the board of trustees the seat of any member of said board vacant upon the removal of such trustee from the limits of the corporation, or absence from the meetings of the board for six weeks at any one time, and to provide for filling such vacancy, and to declare the office of any town officer vacant and provide for filling such vacancy: *Provided*, no officer shall be removed from office except for inefficiency or neglect of duty; to do and perform all acts and enjoy all such powers as may be done and are enjoyed by towns incorporated under the general law of the state of Illinois, entitled "Cities and Towns," and where no special provisions are made in this act for proceedings to enforce powers granted under this clause, the proceedings to enforce rights conferred shall be the same provided for by said general law entitled "Cities and Towns."

Proviso.

Vacancy, how filled.

Proviso.

Streets and alleys.

§ 7. It shall be the duty of the board of trustees to cause all the streets, alleys and public roads passing through said town within the limits of the corporation, to be kept in good repair, and for a failure to perform this duty, the street commissioner, or person whose duty it may be under the ordinances of the town to keep said streets, alleys and roads in repair, shall be subject to indictment, trial and fine, as other supervisors of roads.

Tax, how collected.

§ 8. All taxes assessed by said corporation may be collected by the town constable or such other officer as may be designated by the ordinances of said town, and the collection of delinquent taxes shall be enforced by the same course pursued by the sheriff in the collection of delinquent state, county and school tax; and the county court of Washington county is hereby authorized to take jurisdiction of and enter judgment in favor of said corporation against delinquent



real estate, as in cases where the sheriff applies for judgment, and the rule of proceeding shall be observed in respect to advertising sales, redemptions and execution of deeds by the town collector, as are now or hereafter may be required by law. All real estate offered for sale after judgment has been obtained for which there is no bidder, shall be struck off to said corporation; said corporation paying all costs and fees, and if not redeemed within two years from such sale, said corporation shall be entitled to a deed, upon complying by its agents or officers, with the same legal and constitutional requirements with which other purchasers may be bound to comply, which deed, when so regularly obtained, shall vest the title of said lands in said corporation. Tax deeds.

§ 9. This act shall be in force from and after its passage.  
APPROVED February 16, 1865.

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AN ACT to change the name of North Bloomington, and to vacate certain streets herein referred to. In force Feb. 16, 1865.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the name of North Bloomington, as heretofore applied to a town situated in the county of McLean, of this state, be and the same is hereby changed to Normal, by which name it shall hereafter be known and called. Name changed.

§ 2. So much of the streets of said town as lie north of First street, south of North street, and west of Broadway, be and the same are hereby vacated. Street vacated.

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

APPROVED February 16, 1865.

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AN ACT to incorporate the town of Odin, in Marion county, and for other purposes. In force Feb. 16, 1865.

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 Odin, in Marion county, are hereby constituted a body politic and corporate by the name of "The President and Trustees of the Town of Odin," and by that name shall have perpetual succession, make and use a common seal and alter it at pleasure, and in whom the government of the corporation shall be vested, and by whom its affairs shall be managed. Name and style.



## Boundaries.

§ 2. The corporate limits of said corporation shall include all lots and parcels of ground lying and being within one half mile from the centre of the square formed by the crossing of the Chicago branch of the Illinois Central railroad, and the Ohio and Mississippi railroad, so as to form a square in said town of Odin.

## General powers.

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

## Trustees.

§ 4. The corporate powers and duties of said town shall be vested in seven trustees, who shall form a board for the transaction of business, and the following persons, to wit: Uriah R. Hurd, James L. Garetson, Harry S. DePew, William Tipton, Calvin B. Dishon, Andrew M. Casebolt, William Porter, who may be in office as trustees in said town under the general incorporation law of this town, shall be deemed to hold their office by virtue of this act, until the first Monday in May, A. D., 1866, and until their successors are elected and qualified.

## Annual election.

§ 5. On the first Monday in May, A. D. 1866, an election shall be held in said town of Odin for the election of seven trustees for said town, and thereafter on the first Monday in May in each year, an election shall be held for said officers. They shall be citizens of the United States, twenty-one years of age, and shall possess a freehold estate within the limits of said town.

## Legal voters.

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

## Vacancies.

§ 7. The said trustees at their first meeting shall appoint one of their body president, and shall judge of the qualification and returns of its own members, and shall determine all contested elections in such manner as may be provided by ordinance; and all vacancies which may occur in said board, by absence from the town for three months, death, resignation or otherwise, may be filled by said board, provided that in all cases of a tie vote of said board on any question whatever pending before them, the president shall give the casting vote.

## Quorum.

§ 8. A majority of the board shall constitute a quorum to do all 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 the concurrence of two-thirds, expel a member.

§ 9. All elections shall be held by ballot, and tie votes shall be decided by lot, in presence of the board of trustees. Election.

§ 10. Each of the members of the board of trustees, before entering upon the duties of his office, shall take and subscribe to an oath before some justice of the peace of the county, that he will support the constitution of the United States and of this state, and that he will perform the duties of his office to the best of his ability; and there shall be at least one regular meeting of said board once in three months, at such time and place as may be prescribed by ordinance. Oath of trustees.

§ 11. The board of trustees shall have power to appoint a clerk, treasurer, assessor, and one or more street commissioners, and 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 [and] security as may be deemed necessary to insure the faithful performance of the respective duties before entering upon the discharge of the same, and who shall possess the same qualifications as are required for a member of the board of trustees. Officers.

§ 12. The board of trustees shall have power and authority to levy, assess and collect taxes upon all property, real and personal, within the limits of said town, which is subject to taxation for state and county purposes, not exceeding one-half per cent. 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 state; also, to appropriate money and provide for the payment of debts and expenses of the town. Powers of board of trustees.

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

§ 14. To open, abolish, alter, widen, extend, establish, improve and keep in repair streets, alleys and public grounds in said town, and erect, maintain and keep in repair bridges, drains and sewers.

§ 15. To provide the town with water, to sink and keep in repair wells, and to erect needful buildings for the use of the town, and to improve and protect public buildings.

§ 16. 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.

§ 17. To license, tax and regulate auctioneers, merchants, grocers, eating houses and peddlers, and to regulate the fixing of chimneys and the flues thereof; also, to regu-

late the storing of gunpowder and other combustible materials.

Proviso.

§ 18. The trustees of said corporation shall have power to license groceries within the corporate limits of said corporation, upon such terms and under such restrictions as they may think proper; and to collect, have and use for corporate purposes, all the money raised from grocery licenses granted by them, for the retailing of spirituous liquors within the corporate limits of said town: *Provided*, the power heretofore given to the county courts of the several counties of this state to grant licenses for the retailing of spirituous liquors, shall no longer be applicable within the corporate limits of said town of Odin. They shall also have power to suppress gaming houses, bawdy houses, and other disorderly houses within said town; to license, tax and regulate theatres and other exhibitions, shows or amusements, and to provide for the trial and punishment of persons who may be engaged in assault and batteries, and affrays, within the corporate limits of said town.

§ 19. To fix the fees and compensation of town officers, jurors, witnesses, and others for services rendered upon the provisions of this act.

§ 20. To prevent the incumbering of the streets, alleys and public grounds of said town; to protect shade trees; to compel persons to fasten horses, mules and other animals attached to vehicles while standing upon any street, alley, or uninclosed lot in said town; to prevent the running at large of horses, cattle, sheep, hogs, dogs, 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. They shall also have power to prevent the firing of squibs, rockets, guns or other fireworks or combustibles, within the limits of said town.

§ 21. To provide for the punishment of persons who may at any time disturb the peace of the inhabitants of said town, or the deliberations or proceedings of any public meeting of said inhabitants, or of the board of trustees when in session.

§ 22. To regulate the police of the town; to impose fines, penalties and forfeitures for the breach of any ordinances, 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.

Ordinances.

§ 23. The board of trustees 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 inconsistent with the constitution of the United States or of this state.

§ 24. The style of the ordinances of the town shall be, *Style of ordi-*  
*"Be it ordained by the President and Trustees of the Town nances.*  
*of Odin,"* and all ordinances shall, within one month after they are passed, be published or made known by posting in three public places in said town copies of the same, and the certificate of the clerk of the town, under the seal of the incorporation, 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.

§ 25. And all ordinances may be proved by the seal of *Proof of ordi-*  
the town, and when published or printed in book or pamphlet form, and purporting to be printed or published by the authority of the town of Odin, the same shall be received as evidence in all courts and places, without further evidence or proof. *nances.*

#### DUTIES OF THE PRESIDENT.

§ 1. The president shall preside at all meetings of the *Chairman.*  
the board, when present, and in case of his absence at any meeting, the board shall appoint one of their number chairman, who shall preside at that meeting.

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

§ 3. The president shall be active and vigilant in enforcing the laws and ordinances for the government of the town. He shall inspect the conduct of the subordinate officers, and cause negligence and willful violation of duty to be punished. He shall have power and authority to call upon all male inhabitants over the age of twenty-one years, of said town, to aid in enforcing the laws and ordinances, and any and every person who shall fail or refuse to obey such call, shall forfeit and pay to said town the sum of ten dollars. *Posse.*

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

#### MAGISTRATES AND CONSTABLES.

§ 1. It shall be the duty of the trustees of said town, *Election of justice and constable.*  
immediately after the passage of this act, to give notice for and cause an election to be held for a justice of the peace and constable, who shall be elected by the qualified voters within the corporate limits of said town, who shall take the same oath, execute the same bond, and be clothed with the



same power, authority and jurisdiction, and subject to the same liabilities, as other justices of the peace and constables within the limits of said state, and shall hold their offices respectively, and shall also hold their offices until their successors are elected and duly qualified.

Election.

§ 2. For the election of a justice of the peace and constable for said town, after the first election, shall be held at the same time as the election of trustees, and the manner of holding all elections required by this act, shall be held and conducted, and returns thereof made, as may be hereafter provided by the ordinances of the trustees of said town by this act created.

Commission of justice.

§ 3. The said justice of the peace shall be commissioned by the governor of this state, and shall be a conservator of the peace in said town, and shall have exclusive jurisdiction in all cases arising out of or under the ordinances of the corporation, and shall have the same fees and compensation allowed for similar services under the laws of this state to other justices of the peace: *Provided, however*, that at the election or choice of said board of trustees, any justice of the peace residing within the limits of said corporation may perform all the acts and duties of police justice.

Appeals and change of venue

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

Power of constable.

§ 5. The town constable elected under the provisions of this act, shall have power and authority to execute all processes issued for the breach of any ordinance of said town, and for that purpose his power and authority shall extend over the county of Marion, and he 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 give bond and qualify as said board shall by ordinance prescribe.

Arrests.

§ 6. The said constable shall be authorized to arrest all persons on view without warrant, who shall violate any of the provisions of this act, or any of the ordinances of said town, made in pursuance thereof, and take him, her or them before the justice of the peace of said town, to be tried and punished as may be prescribed by ordinance. In case of the absence or inability of said constable to act, any constable of said county of Marion shall have power and authority to execute all processes and writs which may be issued, in the same manner and with like effect as the constable of said town.

## 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 pay or tender the same before opening or altering such streets 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 alleys.

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

Appeals.

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

Benefits and injury.

§ 4. That the board of trustees shall have power to levy and collect a special tax on the owners of lots on any street or part of streets, according to their respecting fronts, for the purpose of grading, paving, or otherwise the sidewalks on said streets or parts of streets.

Special tax.

§ 5. That the lot in front of which any sidewalk is made shall be taxed 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.

Sidewalk tax.

## MISCELLANEOUS PROVISIONS.

§ 1. The inhabitants of the town of Odin are hereby exempted from working on any road beyond the limits of said town, and the payment of any road tax levied by the commissioners of highways of the township of Odin, and the entire jurisdiction and control of roads, highways and bridges, in said town, shall be held and exercised by the board of trustees by this act provided.

§ 2. The board of trustees, for the purpose of keeping the streets, alleys 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 and highways, any number of days not exceeding four in each year.

Street labor.

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 be paid to said board for each and every day he shall fail or refuse to labor as above required.

Fines and forfeitures.

§ 3. The board of trustees shall have power to provide for the punishment of offenders against the ordinances of said town, by fines, forfeitures or penalties, and in all cases where such offenders shall fail or refuse to pay the fines, forfeitures or penalties, and costs, which may be recovered or adjudged against them, it shall be competent and proper for the magistrate or other court before whom the same shall be tried, to direct that such offenders shall be committed to the county jail, until such fines, forfeitures or penalties, and costs shall be paid or otherwise discharged by due process of law.

Vacancy.

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

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

APPROVED February 16, 1865.

In force when AN ACT to incorporate the town of O'Fallon, in the county of St. Clair.  
voted for.

Name and style.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the inhabitants and residents of the town of O'Fallon, in the county of St. Clair, and 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 O'Fallon," and by that name have perpetual succession; and may have and use a common seal, which they may change and alter at pleasure.

General powers.

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



§ 3. The boundaries of said town of O'Fallon shall include the original town of North and South O'Fallon, with the several additions thereto, as the same are recorded in the recorder's office in Belleville, in said county of St. Clair, and other additions that may hereafter be made, according to law. Boundaries.

§ 4. 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 their successors are elected and qualified. Town council.  
Annual election.

§ 5. No person shall be a member of the town council unless he shall be at the time of, and shall have been for one year next preceding his election, a resident of the town, and shall be at the time of his election twenty-one years of age, a citizen of the United States, and a *bona fide* freeholder within the limits of the corporation. Who may be trustees.

§ 6. If any member of the town council shall during the term of his office remove from the limits of the corporation his office shall become vacant. Vacancy.

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

§ 8. 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 the concurrence of two-thirds expel a member. Quorum.

§ 9. All vacancies that may occur by reason of removal, resignation, death or otherwise, the town council shall give ten days' notice by posting up at least three advertisements in said town for the election of a trustee to fill such vacancies, to be filled in the same manner as provided for in regular elections. Vacancy, how filled.

§ 10. The town council shall keep a journal of their proceedings, and shall have power to appoint and compensate a clerk, whose duties shall be described by ordinance. Record of acts.

§ 11. Each member of the town council before entering upon the duties of his office, shall take and subscribe an oath before any person authorized by law to administer oaths, 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 such council shall meet at such times and places as may be described by ordinance. Oath of officers.

§ 12. All white male persons of and over the age of twenty-one years, who shall have been *bona fide* residents of said town for twelve months next preceding any election, Who may vote.

and who shall during that year have paid a tax on real or personal estate, shall be entitled to vote at any municipal election by reason of this charter.

Municipal election.

§ 13. On the first Monday in April next an election shall be held in said town of O'Fallon for the election of five members of the town council of said town, and forever after on the first Monday in April of each year an election shall be held for said officers.

Charter adopted on.

§ 14. This charter shall be submitted to a vote of the people of O'Fallon on the first Saturday of March next, and if adopted by two-thirds majority of the votes cast it shall become a law from the time the same is so adopted; otherwise to be null and void. The polls of this election shall be opened at two o'clock p. m. and kept open till six o'clock p. m. The voters of said town who are present at the time of opening the polls shall appoint three judges and a clerk to act as such at that election. And if this charter is adopted said judges and clerk shall make a certificate of the same and file it in the county clerk's office of said county of St. Clair.

Town and collect taxes.

§ 15. The town council shall have power and authority to assess and collect taxes upon all property, real and personal, within the limits of said town, which is subject to taxation for state and county purposes, not exceeding one-half per cent. upon the assessed value thereof, and if at a special election to be held for this purpose, a majority of the voters so decide, may assess and enforce the collection of the same by any ordinance not repugnant to the constitution of this state; also, to appropriate money and provide for the payment of debts and expenses of the town. The assessment of the taxable property of said corporation for its use shall be the same as that made by the county assessor, a copy of which is to be procured by the clerk of the council, at the expense of the town.

§ 16. The town council shall have no power to contract interest bearing debts whatever, unless a majority of the voters shall decide so at a special election to be held for this purpose.

Town council.

§ 17. The town council shall have power to appoint a town attorney, auditor, treasurer, one or more street commissioners, collector, and such other officers as they may deem expedient, and to require them to give such bonds and security as may be deemed necessary to insure the faithful performance of their respective duties, before entering upon the discharge of the same. Either of the duly elected and qualified constables of the O'Fallon district shall be authorized to act as town constables.

§ 18. The town council shall have power to make regulations to secure the general health of the inhabitants of the town; to declare what shall be considered a nuisance, and

to prevent, or if at the next election a majority of the voters approve such decision, remove the same.

§ 19. To open, abolish, alter, wided, extend, establish, improve and keep in repair roads, streets, alleys and public grounds in said town and one mile beyond, and erect, maintain and keep in repair bridges, drains and sewers. For this purpose they shall have power to require every male inhabitant of said town over the age of twenty-one years to labor on said streets, roads or alleys two days in each year, and every person failing or refusing to perform such road labor, shall forfeit and pay one dollar per day for each day so neglected and refused.

§ 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 aforesaid.

§ 21. To erect needful buildings for the use of the town, and to improve and protect public property.

§ 22. To license, tax and regulate auctioneers, dram shops, wine, beer and ale houses, and peddlers.

§ 23. Persons selling spirituous or vinous liquors, or any composition thereof, or spirits, wine, cider, beer or ale within the corporate limits of said town in quantities less than one gallon, without a proper license, shall be fined ten dollars for each offense, as now provided in the statutes of this state, and the same may be collected on complaint before any justice of the peace in the town of O'Fallon; and penalties and fines collected before any justice of the peace in O'Fallon under this section shall be paid into the treasury of said town; and the court first taking jurisdiction of such offense, in this section prescribed, shall retain jurisdiction of the same, and the same shall be a bar to any proceedings afterwards commenced in any other court.

§ 24. The town council shall have power to suppress gaming houses, bawdy houses, and other disorderly houses; to license, tax and regulate theatrical and other exhibitions or shows, and 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.

§ 25. To fix the fees and compensation of town officers and others, for services rendered under the provisions of this act.

§ 26. To prevent the incumbering of the streets, alleys and public grounds of said town; to protect shade trees; to compel persons to fasten horses, mules and other animals attached to vehicles while standing upon any street, alley or uninclosed lot in said town.



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

§ 28. To provide for the punishment of persons who may at any time disturb the peace of the inhabitants of said town, or the deliberations or proceedings of any public meeting of said inhabitants or the board of trustees when in session.

§ 29. 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 appropriations 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 the breach of any of the provisions of this act or any ordinance made in pursuance thereof: *And, further provided*, that no such fine shall exceed the sum of twenty dollars for each offense.

Ordinances.

§ 30. 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 inconsistent with the constitution of the United States or of this state.

Notice of ordinances.

§ 31. The style of the ordinances of the town shall be: "*Be it ordained by the President and Council of the Town of O'Fallon ;*" and all ordinances shall, within one month after they were passed, be published and made known by four written or printed advertisements put up at four public places within the limits of the town, or in some newspaper printed in said town or in said county, and the certificate of the publishers of such newspaper, or of the clerk of the town under the seal of the corporation, shall be *prima facie* evidence of such ordinance and of its publication, and no ordinance shall take effect until published as aforesaid.

Proof of ordinances.

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

Chairman.

§ 33. The president shall preside at all meetings of the council, when present, and in case of his absence at any meeting, the council shall appoint one of their number chairman to preside at that meeting. The president or any two members of the council may call special meetings of the same.

Duties of president.

§ 34. The president shall be active and vigilant in enforcing the laws and ordinances for the government of the town. He shall inspect the conduct of all subordinate officers, and cause negligence and willful violation of duty to

be punished. He shall have power and authority to call on all male inhabitants of 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 or refuse to obey such call shall forfeit and pay into the treasury of said town the sum of ten dollars.

§ 35. The president or any member of the council shall have access to the books and papers of any subordinate town officers that refer to their respective offices.

§ 36. The president and the members of the town council shall not be entitled to any compensation for their labors as such.

§ 37. The town constable appointed under the provisions of this act shall have power and authority to execute all processes issued for the breach of any ordinance of said town, and for that purpose his power and authority shall extend over the county of St. Clair, and shall have the same power and authority and jurisdiction 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 by ordinance shall prescribe. Constable's powers.

§ 38. If at any time hereafter two-thirds of the qualified voters of the town of O'Fallon decide by public election, to be held for that purpose, that this town be disincorporated, it may be done according to the general laws of this state.

APPROVED February 15, 1865.

AN ACT to incorporate the town of Ogle Station.

In force Feb. 16,  
1865.

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 Ogle Station, in the county of Lee, 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 Ogle Station;" 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 and style.

§ 2. The boundaries of said town shall include all that portion of the south half of the north-west quarter of sec- Boundaries.

tion twenty-seven, township twenty-two, range eleven east of the fourth principal meridian, and the north half of the south-west quarter of section twenty-seven, township, twenty-two, range eleven east of the fourth principal meridian, in the county of Lee, which has heretofore been laid out into town lots, blocks and out-lots, either originally or as additions to the said town of Ogle Station, and recorded in the recorder's office of said county of Lee, 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.

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 transaction of business, and who shall be elected 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.

Town officers.

§ 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.

Qualification of  
voters.

§ 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.

Duties of officers.

§ 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.

Notice of elec-  
tion.

§ 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.

§ 8. The board of trustees shall be judges of the qualifications, 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 expedient. The president shall not vote, except in case of a tie, in which case he shall give the casting vote. Vacancies.

§ 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 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 afterward. The board shall have power to determine the merits of the contest for said office. Election board and clerks.

§ 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 Lee 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 Justices of the peace.

of the peace in Lee county, and be subject to all provisions of law relative to other justices of the peace.

Oath of officers.

§ 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 this state, faithfully and impartially to discharge the duties of their several offices.

Miscellaneous provisions.

§ 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 fire arms 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, crossings, and to plank, grade or Macadamize any street, alley, avenue or lane, in said town; to establish a fire department, and prevent and extinguish fires; 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.

Change of venue

§ 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.

Duty of treasurer

§ 14. The treasurer, on the first Monday in the month of September, of each year, [shall] 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 a tax. 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 that time, any person feeling aggrieved by the assessment may go before the board, and his complaint shall be heard; and if it shall to the trustees that any property has been too high a rate, they shall have power to modify, or reduce the same. 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 Lee 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 corporation, 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.

§ 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 a rate of interest not to exceed ten per cent. Borrow money.

§ 16. No loan or 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. Loans.

§ 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. Ordinances to be posted.

§ 18. The time for holding the first general election for officers of said corporation shall be on the first Tuesday in May next, and regularly thereafter on the first Tuesday of May of each year: *Provided*, that if said elections, or any of Time of election.



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.

First section

§ 19. The first regular election for president and trustees shall take place on the day and time of day hereinbefore provided for, at such place in the town of Ogle Station 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 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 Lee county, or the board of trustees, at their first annual meeting, as the case may require.

Meeting of board

§ 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.

Offenders to be punished.

§ 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 Ogle Station;" and [in] said writ shall be designated the chapter and section of the ordinance against which the said party or parties have offended.

Recovery of fines

§ 22. All actions for fines, penalties or forfeitures, accruing for breach of any ordinances of said town, shall be instituted and prosecuted in the name of the president and board of trustees of the town of Ogle Station, 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 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 justice of the peace; and, in case of forfeiture, shall be transmitted by him to the clerk of the board of trustees.

§ 23. The town constable and town justice of the peace shall have the same general jurisdiction and authority, within the county of Lee, 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 justice of the peace may appoint special constables, as is now provided by law in the case of other justices of the peace. Jurisdiction.

§ 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. Town attorney.

§ 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 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. Imprisonment of offenders.

§ 26. No fine for the breach of any ordinance shall exceed one hundred dollars, nor imprisonment for like offense thirty days.

§ 27. The inhabitants of said town shall be exempt from working on any road beyond the limits of the said incorporation 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 dol- Road tax.

lar 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 commissioners 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 16, 1865.

AN ACT to amend the charter of the town of Pana.

In force Feb. 16,  
1865.

Election for jus-  
tice and con-  
stable.

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 Pana, by the qualified voters thereof, on the first Tuesday of March, 1865, and on the first Tuesday of March every four years thereafter, two police justices and two town constables, who shall hold their offices for the term of four years, and until their successors shall be elected and qualified.

Streets and al-  
leys.

§ 2. The town council of the town of Pana shall have power to open, make, alter, abolish, extend, grade, pave or otherwise improve and keep in repair streets and alleys, make railroad crossings, and provide for their being kept open, and shall also have power to condemn land for the purposes aforesaid.

Jurisdiction of  
police justice.

§ 3. Said police magistrates, or either of them, shall have jurisdiction to try and determine, in a summary manner, any offense committed within the town of Pana, and arising under the charter or ordinances of said town: *Provided*, that the right of trial by jury shall in no case be denied to any person accused of any offense within the jurisdiction of said police magistrates.

Punishment of  
offenders.

§ 4. The town council shall have power to provide for the punishment of offenders against the ordinances of said town, by imprisonment in the calaboose of said town, or the county jail of said county, for a period of not more than thirty days.

Special tax.

§ 5. The town council shall have power, by ordinance, to levy special assessments on the holder or holders of lots on any street or alley, or any part thereof, according to the respective fronts owned by them, for the purpose of paving or grading the sidewalks of such street or alley, or for the purpose of setting out shade trees on the side of said street or streets; and said assessments, when so levied, as aforesaid, shall be a lien on said lot or lots, according to their respective fronts as aforesaid. And the town council shall have power to issue their warrant to the treasurer of said town,



who shall proceed to collect such assessment, in the same Collection of tax manner as state and county taxes are collected.

§ 6. That section seven, of article eight, of the charter Sec. 7 repealed. of said town, approved February 16th, 1857, be and the same is hereby repealed; and that all other parts of said charter which are inconsistent with this act be and the same are hereby repealed; and that this act is hereby declared to be a public act, and shall take effect and be in force from and after its passage.

APPROVED February 16, 1865.

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AN ACT to incorporate the town of Paxton.

In force Feb. 16,  
1865.

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 Paxton, in the county of Ford, Name and style. are hereby constituted and declared a body corporate and politic, by the name and style of "The President and Trustees of the Town of Paxton," and by that name shall have perpetual succession; and may have and use a common General powers. seal; and 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, beyond the limits of said town, for burial grounds and other public purposes; to sell, lease and convey property, real and personal, for the use of said town; to protect and improve any such property as the public good may require.

§ 2. The territorial limits of said corporation shall include the platted recorded limits of the town of Prospect City, now Paxton, and the railroad addition to Prospect City. Boundaries.

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

§ 4. The present president and trustees of said town, as at present incorporated under the general act of incorporation, are hereby appointed trustees of said town, and shall hold their offices until the first Tuesday of May next, and until their successors are elected and qualified; and on the first Tuesday of May next, and on the first Tuesday of May every year thereafter, an election shall be held for five trustees of said town, who shall hold their offices for one year, and until their successors are elected and qualified; and ten days' public notice of the time and place of holding every election for trustees shall be given by the president and trustees, or by their clerk, by advertising in any weekly paper

published in said town, or by posting up notices in three of the most public places in said town. No person shall be elected trustee of said town who shall not be qualified to vote for state and county officers, and who shall not have been for six months previous to such election a *bona fide* freeholder within the limits of said town.

President  
board. of § 5. The board of trustees shall elect one of their number president, and shall be judges of the elections, qualifications and returns of their own members, a majority of whom shall constitute a quorum to do business, but a smaller number may adjourn from day to day and compel the attendance of absent members, in such manner and under such penalties as they may provide, and punish their members for disorderly conduct, and by a vote of three-fifths of the whole number elected expel a member; and make such rules and regulations for their government as to them may seem proper and expedient, and shall have power to fill any vacancy in the board of trustees occasioned by death, removal, resignation or otherwise.

Quorum.

Vacancy.

Voters. § 6. All free white inhabitants of said town shall be entitled to vote for town officers who are qualified to vote for state and county officers, and who shall have resided in said town for thirty days next preceding any such election.

Oath of trustees. § 7. The trustees shall, each of them, take an oath, before entering upon the duties of their office, to support the constitution of the United States and of this state, and to perform the duties of their office to the best of their knowledge and ability; 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.

Annual tax. § 8. The president and trustees shall have power to levy, assess and collect a tax on all property, real and personal, within the limits of said corporation, not exceeding one half per cent. per annum, upon the assessed value thereof, and may 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 trustees may, if they think proper so to do, by ordinance adopt the annual assessment made of the property in said town by the township assessor, and cause the same to be collected by the township collector.

Assessment. § 9. If the president and trustees of said town shall determine to adopt the assessment made by the authority of the state and county, they shall give to the clerk of the county court notice of their intention so to do, which notice shall be a copy of their records, and also the rate of taxation, and upon the receipt of such notice the said tax shall be extended and collected, and its collection enforced in the same manner as other revenue. The clerk and collector shall be allowed the same compensation for services

under this act as are allowed them for similar services under the revenue laws of this state.

§ 10. The president and trustees shall have power, by ordinance, to levy and collect a special tax on the holders and owners of lots on any street, lane, square or alley, according to the respective fronts owned by them for the purpose of grading, paving or planking the side-walks, of said street, lane, square or alley, to be collected as other taxes are collected by the provisions of the eighth and ninth sections of this act, or as may be provided by ordinance. Special tax.

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

§ 12. The inhabitants of said town shall be exempt from working on any road beyond the limits of said town, and the payment of any road tax levied by the commissioners of highways of the town of Patton, and the entire jurisdiction and control of the roads, highways and bridges in said town of Paxton shall be held and exercised by the board of trustees by this act provided.

§ 13. The police magistrate elected for the town of Paxton, under the general act of incorporation, shall be deemed the police magistrate under this act, until his term of office shall expire, when it shall be lawful for the board of trustees to call an election to fill such vacancy; this provision shall be deemed to apply to cases of death, resignation or removal; and all police magistrates so elected, shall have the same jurisdiction, and be subject to the same rules, regulations and qualifications as other justices of the peace, and shall be entitled to the same fees, for like services, as other justices of the peace elected under the laws of this state. Police  
magistrate.

§ 14. The president and trustees shall have power to appoint a clerk, assessor, treasurer, street commissioner, collector and police constable, and the said treasurer and police constable shall be required to file a bond before assuming the duties of their office, with good and sufficient sureties, in a sum designated by the board of trustees; and the police constable shall be required to take the oath of office before some justice of the peace in said county, that he will faithfully discharge the duties of his office and support the constitution of the United States and of this state; and when so elected and qualified, he shall hold his office for one year and until his successor shall be elected and qualified, and shall have the same jurisdiction in civil and criminal cases, as other constables elected for town and county purposes, and receive the same pay for like services. Officers.



as other constables; he shall have power upon view or information and without warrant, to arrest offenders for any violation of the ordinances of said town; and for that purpose may call to his aid such posse as he may deem necessary to carry into effect the provisions of this section.

Licenses.

§ 15. The president and trustees of said town shall have

General powers.

power to license, tax and regulate auctioneers, merchants, retailers, hawkers, peddlers and pawn-brokers; also, to license, tax and regulate theatrical exhibitions and public amusements; to license, tax, regulate, suppress and prohibit the selling and traffic in spirituous, vinous, malt and mixed liquors; 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 fire companies; to provide for the inspection and weighing of grain, hay and stone coal, and the measurement of wood and fuel to be used in said town; to dig wells and erect pumps in the streets, for the extinguishment of fires, and the convenience of the inhabitants; to provide for the prevention of dogs, hogs, and all other stock, from running at large in said town; to regulate the storage of gun-powder, tar, pitch, rosin, turpentine, and other combustible materials; to appropriate money, and provide for the payment of the debts and expenses of the town; to make regulations to secure the general health of the inhabitants of the town; to declare what shall be deemed a nuisance, and to prevent and remove the same; to open, abolish, alter, widen, extend, establish, grade, or otherwise improve and keep in repair the streets, alleys and squares in said town, and erect, maintain and keep in repair bridges, and to provide for the erection of all needful buildings for the use of the town; to compel persons to fasten horses, mules and other animals attached to vehicles, while standing upon any street, alley, or uninclosed lot; to fix the fees and compensation of all town officers, jurors, witnesses and others, for services under this act, or ordinances; impose fines, forfeitures and penalties for the breach of any ordinance, and to provide for the recovery and appropriation of such fines and forfeitures, and the enforcement of such penalties; and to prevent the firing of squibs, rockets, guns, or other combustibles or fire-arms, within the limits of said town.

Ordinances.

§ 16. The president and trustees of said town shall have power to make all ordinances which shall be necessary and proper for carrying into execution the powers specified in this act, so that such ordinances shall not be repugnant to the constitution of this state or 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 Paxton,*" and all ordinances shall, within one month after they are passed, be published in a newspaper printed in said town, or by posting copies of the same in three public places

in said town; and the certificate of the publisher of such newspaper, or of the clerk of the board, under the seal of the corporation, shall be *prima facie* evidence of such publication; but no ordinance shall take effect until the expiration of ten days after publication, as aforesaid.

Duty of clerk.

§ 17. It shall be the duty of the clerk of said corporation to provide a well-bound book, in which he shall correctly record all the ordinances of said town, affix his certificate of the date of the enactment of each ordinance, and the time when the same was published, as required by section sixteen of this act; and said book shall be received as evidence of the facts therein recorded, in all courts and places where judicial proceedings are had, without further proof.

Duty of president.

§ 18. The president of the board shall preside at all meetings of the board, when present; and in case of his absence, 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 is also authorized and empowered to call on all male inhabitants of said town, over the age of eighteen years, to aid in enforcing the laws and ordinances of said town; and any person who shall fail or refuse to obey any such call, shall forfeit and pay to said corporation the sum of five dollars.

Offenses.

§ 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, where such offenders shall fail or refuse to pay the fines and forfeitures which may be recovered against them; but no such imprisonment shall be for a longer term than thirty days.

Suits.

§ 20. All suits for the recovery of fines and penalties for the violation of any ordinance, shall be in the name of the president and trustees of the town of Paxton, and shall be in the form of an action of debt, before the police magistrate, or, in case of his inability to act, before some other justice of the peace; and changes of venue and appeals shall be allowed in cases commenced before the police magistrates, as in other cases before other justices of the peace: *Provided*, that 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 such bond.

Moneys.

§ 21. All moneys arising from fines, forfeitures and penalties, and all moneys arising from taxes, assessments, and licenses, shall be paid into the treasury, and go to the use of the inhabitants of the town of Paxton, in their cor-

porate capacity, to be expended by the board of trustees for the improvement and benefit of said town.

**Ordinances in force.** § 22. All ordinances, by-laws and resolutions passed by the president and trustees of the town of Paxton, as incorporated under the general laws, and which are not inconsistent herewith, shall remain in force until the same shall be repealed by the president and trustees of the corporation hereby created.

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

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

APPROVED February 16, 1865.

**In force Feb. 16, 1865.**

AN ACT to incorporate the town of Plano.

#### CHARTER FOR THE TOWN OF PLANO.

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

#### BOUNDARIES.

**Boundaries.** § 2. The boundaries and limits of said town shall be established as follows: commencing at the northwest corner of lot one, (1), of block one, (1), of the original town plat, which point shall and is hereby established as the center of said town, and extending to and including all lots and lands within a square area of three-eighths of one mile from said center, with lines running parallel with those of the original town plat; the above is hereby declared to be within the boundaries of said town of Plano, containing an area of three-fourths of one mile square.

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

**General powers.** § 4. The inhabitants of said town 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 whatever; to purchase, receive and hold property, real and personal, beyond the town, for burial grounds or 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 the town; and to improve and protect such property, and to do all other things in relation thereto, as natural persons.

## OFFICERS.

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

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

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

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

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

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

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

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

## ELECTIONS.

- Annual election    § 13. On the first Monday of December of each year, an election shall be held in the town of Plano, for the election of five trustees, who shall hold their office for the term of one year and until their successors are duly elected; and to elect a police justice, who shall hold his office for the term of four years and until his successor is duly elected and qualified: *Provided*, nothing contained in this section shall disqualify the present police justice from serving until the expiration of the term for which he was elected.
- Vacancy.        § 14. Whenever a vacancy is caused in the board, by death, resignation or removal of any of the trustees, it shall be the duty of the president and trustees to call a special election to fill such vacancy, giving notice as is required for annual elections.
- Elections.      § 15. The president and trustees of said town shall have power to provide by ordinance, the manner of conducting all corporation elections within the corporate limits of said town; giving not less than ten days' notice, either by publishing in a newspaper published within the limits of the town, or by posting not less than three written or printed notices, in three of the most public places in said town.
- Tax.            § 16. The president and trustees shall have power to levy taxes upon all property, real and personal, within the limits of said town, not exceeding one per cent. per annum assessed value thereof, the same to be collected in the manner prescribed by the statutes of Illinois.
- Officers.        § 17. The president and trustees shall have power to appoint a treasurer, street commissioner, police constable and pound master.
- Bond of officers. § 18. The president and trustees shall have power to require of all officers, appointed in pursuance of this charter, bonds, with penalty and security for the faithful performance of their respective duties, as may be deemed expedient; and also to require all officers, appointed as aforesaid, to take an oath for the faithful fulfillment of their duties.
- Power and duties of officers. § 19. The president and trustees shall have power and authority to borrow money on the credit of the town: *Provided*, that no sum or sums of money shall be borrowed at a greater interest than seven per cent. per annum, nor shall the interest on the aggregate of all sums borrowed and outstanding, ever exceed one-fifth of the revenue arising from taxes assessed upon the taxable property, within the limits of the corporation.
- § 20. To appropriate money and provide for the payment of debts and expenses of the town.
- § 21. To make regulations to prevent the introduction of contagious diseases into the town.

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

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

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

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

§ 26. To license, tax and regulate all theatrical and other exhibitions, shows, gift enterprises, lotteries and amusements.

§ 27. To tax, restrain, license, and prohibit or suppress tippling houses, dram shops and gaming houses.

§ 28. To license and regulate auctioneers, hawkers, peddlers and pawn brokers.

§ 29. To provide for the prevention of and extinguishment of fires, and to organize and establish a fire company.

§ 30. To fix the compensation of all officers of the corporation.

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

§ 32. The president and trustees shall have power to make all ordinances which shall be necessary and proper for carrying into execution the powers specified in this act: *Provided*, such ordinances are not inconsistent with the constitution of the United States or of this state.

Ordinances

Proviso.

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

§ 34. All ordinances as passed by the board of trustees, shall be published within one month after they shall have been passed, by publication in some newspaper published within the limits of said town, or by posting not less than three written or printed notices in three of the most public places in said town; but no ordinance shall take effect until it has been published ten days, in the manner prescribed in this section.

Ordinances, how published.

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

Ordinances, how proven.

§ 36. The president, or any two members of the board, may call a special meeting of the board of trustees.

Special meetings



- Property, when  
taken for streets     § 37. Whenever it shall be necessary to take private property for the opening, widening or altering of any street, lane, avenue or alley, the corporation shall make a just compensation therefor to the person whose property is so taken; and if the amount of such compensation cannot be agreed on, the president and trustees shall cause the same to be ascertained by a jury of six disinterested freeholders of the town.
- Petition  
street.     for     § 38. 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 board of trustees may open, widen or alter such street, lane, avenue or alley, upon conditions to be prescribed by ordinance; but no compensation shall, in such case, be made to those whose property shall be taken for the opening, widening or altering such street, lane, avenue or alley; nor shall there be any assessment of benefits or damages that may accrue thereby to any of the petitioners.
- Benefits  
damages.     and     § 39. In ascertaining the amount of compensation for property taken, for opening, widening or altering any street, lane, avenue or alley, the jury shall take into consideration, the benefit as well as the injury, happening by such opening, widening or altering such street, lane, avenue or alley.
- Road labor.     § 40. The inhabitants of the town of Plano shall be exempt from working on any road beyond the limits of the town or from paying any tax to procure laborers to work upon the same.
- Street labor.     § 41. The president and trustees shall have power, for the purpose of opening, grading, or keeping in repair any streets, lanes, avenues or alleys, to require of every male inhabitant of said town, over twenty-one years of age, (who are not exempt by law,) to labor on said streets, lanes, avenues or alleys, not exceeding three days in each year; and any person failing to perform such labor, when duly notified by the street commissioner, shall forfeit and pay the sum of one dollar per day for each day so neglected or refused.
- Offenders, how  
punished.     § 42. The board of trustees shall have power to provide for the punishment of offenders by imprisonment in the county or corporation jail or lock-up, in all cases where such offenders shall fail or refuse to pay the fines and penalties which may be recovered against them.
- Appeals.     § 43. Appeals shall be allowed from decisions in all cases arising under the provisions of this act or any ordinance passed in pursuance thereof, to the circuit court of Kendall county; and every such appeal shall be taken and granted in the same manner and with like effect as appeals are taken from and granted by justices of the peace to the circuit court under the laws of this state.
- § 44. This act is hereby declared to be a public act, and may be read in evidence in all courts of law and equity in this state, without proof.

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

§ 46. All fines, penalties and forfeitures, inflicted by or recovered before the police magistrate of said town of Plano, for the violation of any of the ordinances, shall be paid into the treasury of said town; and it shall be the duty of said magistrate to account for and pay over immediately, all such fines, penalties and forfeitures, as may be collected by him, to the treasurer of said town. Fines.

§ 47. The president and trustees shall have power to license, regulate, restrain or suppress the sale, barter, or giving away, or otherwise disposing of, any spirituous, vinous or malt liquors, within the limits of said town; and all moneys received for such licenses, forfeitures, penalties or fines, shall be paid into the corporation treasury for the benefit of said town. Licenses.

§ 48. No license for the sale of spirituous, vinous or malt liquors, within the limits of said town, shall be granted for a longer period than one year. Term of license.

§ 49. The town of Plano shall not be required to give security for costs in any prosecutions or suits arising under the charter or ordinances of said town. Suits.

§ 50. The president and trustees shall have power to provide for the establishment and erection of a pound within said town and make all necessary regulations therefor. Pound.

§ 51. The president and trustees shall have power to make all ordinances which shall be necessary and proper for carrying into execution the powers specified in this act; so that such ordinances be not repugnant to or inconsistent with the constitution of the United States or of this state: *Provided*, they shall not impose any fines for the violation of any ordinances, exceeding one hundred dollars. Ordinances.

§ 52. All officers of the town, created conservators of the peace by this act, shall have power to arrest or cause to be arrested, with or without process, all persons who shall break or threaten to break the peace, commit for examination, and if necessary, detain such persons in custody over night in the lock-up or other safe place; and shall have and exercise such other powers as conservators of the peace, as the president and trustees may prescribe. Arrests, how made.

§ 53. Nothing in this act contained shall be so construed as to deprive the president and trustees of the town of Plano of any power or authority conferred upon the same by the general act incorporating towns and cities, and the various acts amendatory thereto; but the president and trustees shall possess and enjoy all the powers and authority heretofore conferred upon the same, except so far as such Rights and powers.

powers and authority have been expressly modified or repealed by this act or the acts heretofore amended.

Ordinances in  
force.

§ 54. All ordinances passed by the president and trustees of the town of Plano in accordance with the general act, previous to the passage of this act, shall remain in full force, except such as are expressly modified by this charter; and all present officers of the corporation shall remain in office until the time specified in this act for annual elections.

§ 55. This act shall take effect from and after its passage.

APPROVED February 16, 1865.

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In force Feb. 15, 1865. AN ACT to amend the charter of the town of Plymouth in Hancock county.

Commitment till  
fine is paid.

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 Plymouth, incorporated under the general law of the state, shall have power to provide by ordinance, that persons convicted of the violation of any of their ordinances, may be committed to the jail of Hancock county, by the court trying such persons, until the fine or judgment rendered and costs, are paid or satisfied according to law, or such person or persons are otherwise discharged by law.

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

APPROVED February 15, 1865.

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In force April 15, 1865. AN ACT to amend an act entitled "An act to incorporate the town of Polo, in Ogle county," approved February 16, 1857, and also to amend an act entitled "An act to amend an act entitled an act to incorporate the town of Polo," approved February 18, 1859.

Annual tax.

SECTION 1. The board of trustees of said town of Polo shall have power, annually, to levy a tax upon all the taxable property in said town for town purposes, of not exceeding one-half of one per cent., which shall be returned to the board of supervisors of said Ogle county, and by them levied and extended upon the collector's books of the township of Buffalo, (within the limits whereof said town of Polo is situated,) to be by him collected and paid to the treasurer of said town of Polo. Said tax to be levied upon the assessment roll returned by the assessor of said township of Buffalo for the year in which said tax is levied.

Fine or imprisonment.

§ 3. Said board of trustees shall have power to provide for the punishment of persons violating any ordinance of



said town, by either fine or imprisonment in the county jail of said county, at the discretion of the justice of the peace before whom such offender shall be brought for trial: *Provided*, that no fine shall exceed seventy-five dollars; and no imprisonment shall exceed twenty days for each offense. And said town shall pay to keeper of said county jail his reasonable charges for the board of such offenders, whenever the bills therefor shall be audited and allowed by the board of supervisors of said county.

§ 4. The justices of the peace within and for said township of Buffalo shall have concurrent jurisdiction of all matters arising out of violation of the ordinances of said town, or of the provisions of the charter thereof, anything in the charter of said town to the contrary notwithstanding.

§ 5. All actions for the breach of any ordinance of said town, or of the provisions of the charter thereof, shall be in the name of "the president of the town of Polo." The process shall be by complaint of any person before any justice of the peace hereinbefore named, who shall thereupon issue his warrant to bring the offender before him, and after hearing the evidence, if it shall appear that the accused is guilty of the offense charged, the said justice shall fine or impose imprisonment upon such offender, in his discretion, subject to the provisions of the ordinances of said town or the provisions hereof.

§ 6. Upon application for license to sell spirituous or malt liquors within said town of Polo, the board of trustees may grant the same to any number of persons, (or withhold the same,) in their discretion, upon payment of such license fee as said board shall determine.

§ 7. Every person or corporation not having a license to do so from said board of trustees, who shall sell, barter or in any way dispose of any spirituous or malt liquors in said town, shall be subject to a fine of not exceeding seventy-five dollars, or an imprisonment of not exceeding twenty days for each offense, at the discretion of the justice of the peace before whom the case shall be heard; the process shall be as provided by section five hereof, and the matter shall be cognizable by any justice of the peace mentioned in section four hereof.

§ 8. So much of the act to which this is an amendment as conflicts herewith is hereby repealed.

APPROVED February 16, 1865.

In force Feb. 13,  
1865.

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

## ARTICLE I.

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

**Boundaries.** § 2. The boundaries of said town shall include within their limits all of the east half of section twenty-two (22,) and the east half of the west half of said section twenty-two (22,) also "Mott and Collins' addition," being a part of the northeast quarter of section twenty-seven (27,) which is platted and recorded in the recorder's office of said county, all being in township twenty-eight north, and range five east, of the third principal meridian.

**Additions.** § 3. Whenever any tract of land adjoining the town of Pontiac shall be laid off in town lots, and duly recorded as required by law, the same shall be annexed to and form a part of the town of Pontiac.

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

## ARTICLE II.

### OF THE TOWN COUNCIL.

**Powers of town council.** § 1. There shall be a town council, to consist of a president and five trustees, to be chosen annually on the third Monday of February, by the qualified voters of said town.

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

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

§ 4. A majority of the town council shall constitute a quorum to do business, but a small number may adjourn from day to day and compel the attendance of absent mem-

bers, under such fines and penalties as may be prescribed by ordinance.

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

§ 6. The town council shall keep a journal of its proceedings, and from time to time publish the same; and the yeas and nays, when demanded by any member present, shall be entered upon the journal. Record of proceedings.

§ 7. All vacancies that occur in the town council shall be filled in such manner as it shall appoint. Vacancies

§ 8. Each and any member of the town council, before entering upon the duties of his office, shall take and subscribe an oath or affirmation in addition to the several oaths prescribed by the constitution of this state, that he will well and truly perform the duties of his office to the best of his ability. Oath.

§ 9. Whenever there shall be a tie in the election of the members of the town council, the judges of election shall certify the same to the police magistrate of said town, who shall determine the same by lot, in such manner as shall be prescribed by ordinance. Tie vote.

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

### ARTICLE III.

#### OF ELECTIONS.

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

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

### ARTICLE IV.

#### OF THE LEGISLATIVE POWERS OF THE COUNCIL.

§ 1. The town council shall have power and authority to levy and collect taxes upon all property, real and personal, within the limits of the town, not exceeding one per centum per annum upon the assessed value thereof, and may enforce Taxes.



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.

Powers of council.

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

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

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

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

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

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

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

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

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

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

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

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

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

§ 16. To license, tax and regulate hackney carriages, coaches, omnibuses, wagons, carts and drays, and fix the

rates to be charged for the carriage of persons, and for the wagonage, cartage or drayage of property.

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

§ 18. To license, tax regulate and suppress theatrical and other shows and amusements.

§ 19. To tax, restrain, prohibit and suppress tippling houses, dram shops, gambling houses, bawdy houses and other disorderly houses within said town, and within five miles thereof, but not to license any house or place for the sale of intoxicating drinks of any kind as a beverage.

§ 20. To prevent the incumbering of the streets, squares and alleys of said town; to plant and protect shade trees; to require persons to fasten horses and other animals attached to vehicles, while standing in said town; to prohibit and prevent the running at large of horses, hogs, sheep and other animals, and provide for distraining and impounding the same, and to provide for the forfeiture or sale of the same for any penalty incurred, and to impose penalties upon the owners of any such animals, for the violation of any ordinance in relation thereto; to prevent the running at large of dogs and swine, and to provide for the obstruction of the same when running at large contrary to ordinance; and to prevent the firing of squibs, rockets, guns or other combustibles or fire arms, within the limits of said town.

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

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

§ 23. To regulate the storage of gunpowder, tar, pitch, rosin, spirits, wine and other combustible materials, and also ashes.

§ 24. To regulate and order parapet walls and partition fences.

§ 25. To provide for the inspection and measurement of lumber and other building materials, and for the measuring of all kinds of mechanical work.

§ 26. To provide for the inspection and weighing of hay and stone coal, and the inspection and measurement of charcoal, fire-wood, and other fuel to be sold or used in said town.

§ 27. To regulate the inspection of butter, lard and other provisions.

§ 28. To provide for taking enumerations of the inhabitants of the town.

§ 29. To regulate the election of town officers and provide for removing from office any person holding office created by this act or by ordinance.

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

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

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

Ordinances.

§ 33. The town council shall have power to make all ordinances which shall be necessary and proper for carrying into execution the powers specified in this act, so that such ordinances be not repugnant to or inconsistent with the constitution of the United States or of this state.

§ 34. The style of the ordinances shall be, "*Be it ordained by the town of Pontiac.*"

Ordinances published.

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

Ordinances proven.

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

## ARTICLE V.

### OF THE PRESIDENT.

Casting vote.

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

Special meetings.

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

Duty of president.

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

Peace of town.

§ 4. He is hereby authorized to call on any male inhabitant of said town over the age of eighteen years, to aid in



enforcing the laws and ordinances thereof, or in preserving the public peace; and any person who shall not obey such call, shall forfeit to the town a fine not exceeding ten dollars.

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

## ARTICLE VI.

### OF PROCEEDINGS IN SPECIAL CASES.

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

Private property  
for streets.

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

Petition  
streets. for

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

Benefits  
damages. and

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

Squares  
streets. and

Expense of improvement.

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

Sidewalks.

§ 6. The council shall order, on petition of the owners of one fourth part of the front of the lots included in such order, walks to be built and gutters to be paved in front of any such lots, by the owners thereof, in such time and manner, and of such materials as it may direct, and in case of failure to do the same, the council shall cause the same to be done, and assess the cost thereof to each lot against the same.

Alleys and gutters.

§ 7. The town council may cause sidewalks and gutters to be constructed, as it may direct, on any street or alley, or any part thereof, and assess the cost thereof to each lot, according to the respective fronts: *Provided*, that when such order shall be made, without a petition of the owners of one fourth part of the front of the lots included therein, the town shall pay at least twenty-five per cent. of the cost thereof.

Proviso.

Special tax.

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

Drains.

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

What taxable.

§ 10. All real estate within the limits of said town, and all personal property belonging to persons residing therein, shall be subject to taxation; and taxes may be levied and collected upon the same for the use and benefit of the said

town, in such time and manner as the council shall, by ordinance, provide.

§ 11. The town council may, by ordinance, direct that the assessment of the county or township assessor of the property in said town, shall be deemed and taken as the assessment of said town; and that the clerk of the corporation shall certify to the clerk of the county court, all persons and property taxable therein, with the taxes and assessments levied thereon, in which case they shall, by the county clerk, be entered on the tax book of the county, and be collected with the county and state taxes; and the same fees shall be paid by said town for actual services herein, as may be provided by the revenue laws of the state for similar services.

Assessment.

Tax, how collected.

#### ARTICLE VII.

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

Street labor.

§ 2. The inhabitants of the town of Pontiac are hereby exempted from working on any road beyond the limits of said town, and from paying any tax for the same.

Road labor.

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

Punishment of offenders.

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

Annual statement.

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

Ordinances in force.



- Suits.**        § 6. All suits, actions and prosecutions instituted, commenced or brought by the corporation hereby created, shall be instituted, commenced and prosecuted in the name of the town of Pontiac.
- Fines.**        § 7. All actions, fines, penalties and forfeitures which have accrued to the president and trustees of the town of Pontiac, shall be vested in and prosecuted by the corporation hereby created.
- Property vested.**    § 8. All property, real and personal, heretofore belonging to the president and trustees of the town of Pontiac, for the use of the inhabitants of said town, shall be and the same is hereby declared to be vested in the corporation hereby created.
- Rights secured.**    § 9. This charter shall not invalidate any act done, or to be done, by the president and trustees of the town of Pontiac, nor divest them of any rights which have accrued to them prior to the passage of this act.
- Appeals allowed.**    § 10. Appeals shall be allowed in all cases arising under the provisions of this act, or of any ordinance passed in pursuance of this act, to the county or circuit court of Livingston county, and every such appeal shall be taken and granted in the same manner, and with like effect, as appeals are taken from and granted by justices of the peace to the circuit court in similar cases, under the laws of this state: *Provided*, the said corporation shall be allowed to appeal, in any case in which it is a party, by causing its president or clerk to execute a bond in the name of the corporation, in the form now prescribed by law in other cases, without other security, and an order entered upon the records of said corporation, directing said appeal or approving the same, shall be sufficient evidence of authority to sign said bond.
- Notice of charter**    § 11. The president and trustees of the town of Pontiac shall, immediately after the passage of this act, take measures to promulgate the same within the limits of said town.
- § 12. This act is hereby declared to be a public act, and may be read in evidence in all courts of law and equity within this state, without proof.
- Jurisdiction of marshal.**    § 13. The town marshal or constable, or any other officers authorized to execute writs, or any other process issued by the police magistrate of said town, shall have power to execute the same anywhere within the limits of the county of Livingston; and shall have the same power to execute any process issued by any justice of the peace of said county, and be entitled to the same fees for traveling and other services, as are allowed to constables in similar cases.
- Election.**        § 14. The town council may, at any time hereafter, provide, by ordinance, for future elections by the inhabitants of said town, of such town officers as they may deem it advisable to have so elected.

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

§ 16. Deeds of lands sold for taxes heretofore made, or Tax deeds. hereafter to be made, under the ordinances of the town of Pontiac, may be executed by the president of the corporation hereby created, and shall be acknowledged as other conveyances, and, when executed and acknowledged, as aforesaid, they shall be deemed and taken in all courts and places to be *prima facie* evidence of the existing and regularity of all such prior proceedings as might otherwise be required to be proved, in order to establish the title to the purchase, and such deed shall be evidence, as aforesaid, without any proof of any proceeding prior to the issuing thereof.

§ 17. The town council are hereby expressly and forever prohibited from granting license to any person or persons in said town of Pontiac, to sell traffic, exchange, barter or give away any strong beer, ale, lager beer, wine, rum, gin, brandy, whisky or intoxicating liquors, drinks or beverages of any kind whatever, including Hostetter's Stomach Bitters, Plantation Bitters, Roback Bitters, Red Jacket Bitters, Swain's Bourbon Bitters, or any other bitters of whatever name or kind, containing intoxicating liquors; and no person shall be permitted to bring into the town, or keep about his, her or their premises, saloon, cellar, dwelling house, out house or in any other place in said town, or within three miles thereof, any of the above named drinks, liquors or intoxicating beverages, for the purpose of trafficking therein, in any way whatever: *Provided*, the No license. town council may grant license to two discreet persons, and no more, in said town, to sell wines or other spirituous liquors, for mechanical, medicinal and sacramental purposes, only; and the said council shall have power, at any regular meeting, to revoke said license. Any persons violating any of the provisions of this section of this charter, shall forfeit and pay into the treasury of the corporation, for the use of the inhabitants of said town, not less than twenty-five dollars, nor more than one hundred dollars, for each and every offense, to be recovered by an action of debt before the police magistrate, or other justice of the peace in said town; and in case any offender shall refuse or fail to pay such fine or fines and costs, as may be adjudged or assessed against him, her or them, by said police magistrate, or other justice of the peace, then said offender shall forthwith be committed to the county jail, for a term of not less than thirty days, unless said fine or fines and costs be sooner paid. Proviso.

Acts repealed.

§ 18. All former acts of the legislature of the state of Illinois, granting powers to the said town of Pontiac, contrary to or inconsistent with any of the provisions of this charter, be and the same are hereby repealed.

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

APPROVED February 14, 1865.

In force April 18, 1865. AN ACT to create an additional voting precinct in the town of Prairie City, in McDonough county.

Bushnell election precinct.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the south half of township number seven (7) north, in range number one (1) west, of the fourth principal meridian, in Illinois, being the south half of the town of Prairie City, in the county of McDonough, be and the same is hereby created an election precinct, for the purpose of holding all general or special elections; and said elections shall be held at the town of Bushnell, in the said election precinct, and said precinct shall be known and styled Bushnell; and the north half of said township shall constitute an election precinct, and known by the style of the precinct of Prairie City, and all elections therein shall be held at Prairie City, therein. At the annual elections held in said precincts, there shall annually be elected, in each of said precincts, three judges of elections, who shall be judges of elections in said precincts, respectively; and elections therein shall be conducted, in all respects, according to the election laws of this state.

Prairie City election precinct.

§ 2. The town of Prairie City, as now organized, shall, for all other than election purposes, continue the same, and its affairs be conducted the same, as if this bill were not passed.

APPROVED February 16, 1865.

In force Feb. 16, 1865. AN ACT further to amend an act entitled "An act to extend the corporate powers of the town of Princeton, and to amend the several amendments thereto.

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

Public squares.

§ 2. That, in addition to the powers heretofore conferred by law [upon] the town council, for the purpose of purchasing



and procuring lands for public squares, and improving and ornamenting public squares and streets, erecting necessary buildings, and otherwise improving and ornamenting the town, be and hereby is authorized and empowered to borrow money or loans, on the faith and pledge of the town, in such sums, for such times, and at such rates of interest, not exceeding ten per cent. per annum, as may be deemed for the benefit of said town, and to issue bonds or other obligations therefor, under the corporate seal, signed by the president and clerk of the town council.

Borrow money.

§ 3. The cost of purchasing, condemning or otherwise procuring public grounds or squares, and of improving and ornamenting the same, of constructing sidewalks, and of grading and graveling streets, shall be paid, one-half by the real estate immediately benefitted, and the other half out of the general fund of said town.

Ground, how paid for.

§ 4. The town council shall have power and authority to suppress, distrain, prohibit and destroy billiard tables, faro boards, lotteries, horse races, and all other means of gambling, within said town, and within one mile of the bounds thereof.

Gambling.

§ 5. The town council shall have power and authority to regulate, prevent or prohibit the introduction, keeping, manufacturing or selling of any vinous, malt, spirituous, fermented, mixed or intoxicating liquors within said town, and within one mile of the bounds thereof; and to prohibit the giving away of any such liquor, with a view to evade any penalty which may be provided for the unlawful sale of such liquors.

Liquors.

§ 6. No person shall be an incompetent judge, justice, witness or juror, by reason of being a resident or freeholder in the town of Princeton, in any action or proceeding in which the said town shall be or is a party in interest.

Jurors and witnesses.

§ 7. No suit shall be brought against said town, except in a court of record; nor shall any writ of execution be issued for the collection of any judgment recovered against said town.

Suits.

§ 8. An act approved February 22, A. D. 1861, and entitled "An act further to amend an act entitled 'an act to extend the corporate powers of the town of Princeton,' approved February 18, A. D. 1857," and all acts and parts of acts conflicting with the provisions of this act, are hereby repealed.

Acts repealed.

§ 9. 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.

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

APPROVED February 16, 1865.

In force Feb. 16,  
1865.

AN ACT to incorporate the town of Raleigh.

Name and style.	SECTION 1. <i>Be it enacted by the People of the State of Illinois, represented in the General Assembly,</i> That the inhabitants of the town of Raleigh, Saline county, Illinois, are hereby created a body corporate and politic, by the name and style of "The Town of Raleigh."
Powers.	§ 2. All powers granted to the town of Harrisburg, by an act entitled "An act to incorporate the town of Harrisburg, Saline county, Illinois," approved February 21, 1861, are hereby granted to said town of Raleigh; and all provisions of said act, which are not locally inapplicable, shall apply to said town of Raleigh.
Boundaries.	§ 3. Said corporation shall be one mile square, the center of the public square of said town being the center of said corporation.
First election.	§ 4. The first election for town officers, under the provisions of this act, shall be held on the first Monday in May, 1865, and elections shall be held annually thereafter for town officers, excepting police magistrate and town constable, who shall be elected semi-annually, on the first Mondays of May, unless the president and trustees shall, by ordinance, fix a different day.
Annual election.	This act to be in force from and after its passage. APPROVED February 16, 1865.

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In force Feb. 16, 1865. AN ACT to change the name of Steuben, in Randolph county, to that of Shiloh Hill.

Name changed.	SECTION 1. <i>Be it enacted by the People of the State of Illinois, represented in the General Assembly,</i> That the name of the town or village of Steuben, in Randolph county, state of Illinois, be and the same is hereby changed to that of Shiloh Hill, and that said village shall hereafter be known and called by the name of Shiloh Hill.
	§ 2. That this act shall take effect and be in force from and after its passage. APPROVED February 16, 1865.

AN ACT to incorporate the town of Richmond, McHenry county, Illinois. In force when voted for.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the resident inhabitants of the town of Richmond, in McHenry county, are hereby constituted a body politic and corporate, to be known by the name of "The President and Trustees of the Town of Richmond;" and by that name shall be known in law, and have perpetual succession; may sue and be sued, plead, and be impleaded, defend and be defended, in courts of law and equity, and in all actions and matters whatsoever; may grant, purchase, receive and hold real and personal property within the limits of said town, and no other, (burial grounds excepted), and may lease, sell and dispose of the same for the benefit of the town; and may have power to lease any of the reserved lands which have been or may be appropriated to the use of said town; and may do all other acts as natural persons, which may be necessary to carry out the powers hereby granted, and may have a common seal and alter the same at pleasure.

Name and style.

General powers.

§ 2. That all those tracts of land embraced within the following boundaries, to-wit: Commencing at the south-east corner of section nine, township forty-six, range eight east; thence north one mile; thence west one mile; thence south about two hundred rods, to the center of the road running west from the village of Richmond; thence west along said road eighty rods; thence south about one hundred and twenty rods to the south line of section eight; thence east along said line, about one and one-fourth miles to the place of beginning, be and the same is hereby declared to be within the limits or boundaries of the said town of Richmond.

Boundaries.

§ 3. The corporate powers and duties of said town shall be vested in a president and six trustees, who shall constitute a board for the transaction of business, and who shall serve without compensation.

Powers vested.

§ 4. The qualified voters of said town shall, annually, elect six trustees of said town, and the qualified voters of said town shall, annually, elect a president of said town, who shall be president of the board of trustees, having only a casting vote in said body, a treasurer, who shall be, *ex officio*, assessor, and one constable, who shall be, *ex officio*, collector, and have the same powers as other constables in said county; such treasurer and constable to receive such compensation, and in the same manner as is provided by law for constables, and for the county treasurers and assessors and collectors of the county and state revenue for similar services.

Legal voters.

§ 5. The president and members comprising the board of trustees shall be elected, annually, on the first Monday in April, except the first election, which shall be on the first

Annual election.



Who may be trustees. Monday in June, eighteen hundred and sixty-five, to serve one year, and until others shall be legally qualified; they shall be at least twenty-one years of age; shall have the requisite qualifications to vote for state officers, and shall have resided one year in said town. The treasurer and Treasurer and constable. constable shall have the same qualifications and hold their office for one year. All persons qualified to vote in the county for state officers, and being at the time actual residents in the corporation, shall be qualified to vote for officers of the same.

Bonds. § 6. The treasurer and constable shall, at the first regular meeting of the board of trustees for the transaction of business, after their election, or sooner, respectively give bonds, with one or more sureties, to be approved by said board, in a penalty of at least one thousand dollars, conditioned for the faithful discharge of the duties of their respective offices, and on failure thereof the said offices shall be declared vacant, and the said board of trustees shall immediately order a new election to fill such vacancy, of which the requisite notice shall be given.

Vacancy. § 7. It shall be the duty of the board of trustees, in such manner as they may provide, to give notice of all town meetings and special elections to be held under the provisions of this act, by publishing notice thereof at least one week prior thereto, in some public newspaper printed in said town, or if there be no such paper, then by posting up notices thereof in like manner in three of the most public places in said town, which notices shall state the time, place and objects of such meeting or election.

Clerk and surveyor. § 8. The board of trustees shall appoint a clerk of their board, a town surveyor, and one street or road commissioner, and provide for his compensation; they shall be judges of the qualifications, returns and elections of their members, and of all other officers of the board; they shall have power to fill all vacancies in the board occasioned by death, resignation or six months' absence of any member thereof. A Vacancies. majority shall constitute a board to do business, but a smaller board may adjourn from day to day; may compel the attendance of absent members, and under such penalty as Quorum. the board may provide; they may determine the rules of Rules. proceedings, and make such other needful rules and regulations for their own government as they may deem expedient.

Special meetings § 9. The president of the board of trustees shall have full power to call special meetings of the board whenever in his opinion the public good shall require it.

Board of election § 10. Two trustees elected in said town, and a clerk elected by them, shall constitute the board of election in said town; they, the said trustees, shall appoint one clerk of election at the time and place of each election, who shall be sworn by one of said trustees, before entering on such office, faithfully to perform the duties of the same; and the said trustees shall in a like manner before entering upon

their aforesaid duties as officers of such election, such oath to be administered by a justice of the peace or notary public, if present, otherwise by the clerk, after he shall have been first duly sworn. One of said trustees shall also act as a clerk at each election, at the close of which the said officers shall compare the poll books and certify the results as found by them, and shall seal up and return such certificate, and one of said poll books, to the board of trustees of said corporation, at its next regular meeting, and the other poll book shall be retained by one of said officers of election to be determined by said board. Poll books.

§ 11. The board shall hold a regular meeting to determine and decide upon elections the next Monday following every general or special election; and they shall also meet regularly for the transaction of business on the third Monday of April, July, October and January of each year. Meetings.

§ 12. The board of trustees shall have power to levy and collect taxes for general purposes, annually, upon all real and personal estate within said town, to the amount of seventy cents on the hundred dollars, upon the assessed value thereof; to make regulations to secure the general health of the inhabitants; to prevent and remove nuisances; to restrain cattle, sheep, hogs or dogs, running at large; to erect and keep in repair bridges; to license and regulate auctions, taverns, groceries, theatrical and other shows, billiard saloons, ball alleys and other amusements; to restrain and prohibit gambling houses, and other disorderly houses; to prevent the shooting of firearms within the limits of the corporation; to establish and erect markets; to open and keep in repair streets and avenues, lanes, alleys, drains and sewers; to establish and regulate a fire department; to provide for the prevention and extinguishment of fires; to dig wells and erect pumps in the streets for the convenience of the inhabitants; to regulate the storage of gunpowder, and other combustible materials, and from time to time, to pass such ordinances to carry into effect the provisions of this act, and the powers hereby granted, as the good of the inhabitants may require, and may impose appropriate fines and forfeitures for the breach of any ordinance, and provide for the collection thereof. The president of the board of trustees, or any justice of the peace within said corporation, shall have jurisdiction to hear and determine all cases arising under or growing out of the by-laws and ordinances made in pursuance of this act of incorporation, and appeals may be taken and a writ of *certiorari* allowed from such decisions, in the same manner as now is or hereafter may be provided by law for appealing from decisions of justices of the peace. Powers of trustees.

§ 13. Upon the application of the owners of two-thirds of the real estate upon any street, or in any block or blocks, or half blocks, it shall be lawful for the board of trustees to pass an ordinance requiring the owners of lots bounding Sidewalks.

Proviso.

Proviso 2.

Streets and alleys.

Benefits and injury.

Lots sold for sidewalk improvement.

upon such street or situate in such block, blocks or half blocks, to construct a side-walk in front of their respective lots, in such manner and of such materials, and within such time as shall be specified in such ordinance; and the said board shall provide in such ordinance for the payment to the owner of such real estate, upon completion of such walk, of any sum not exceeding one-fourth of the cost thereof, to be estimated and specified in such ordinance: *And, provided, further*, that the owners of real estate shall, in all cases, be required to bear at least three-fourths of the expense of constructing side-walks in front of their premises: *And, provided, further*, that if any person shall fail to construct a side-walk in front of his premises, in the same manner and within the time specified in such ordinance, the trustees shall order the collecting officer of said corporation to collect from said delinquent a sum of money, equal to the whole cost of such side-walk, to be estimated or specified in such ordinance.

§ 14. The board of trustees shall have power to regulate, grade, pave and improve the streets, avenues, lanes and alleys, within the limits of said town; to lay out new streets and roads, and to open, extend, widen, narrow, or abrogate any street or any road, on the petition of two-thirds of the property holders on each side of the street or road, so proposed to be altered or abrogated, making the person or persons injured thereby adequate compensation; to ascertain which, the board shall cause to be summoned, six good and lawful men, freeholders and inhabitants of said town, not directly interested, who, being first duly sworn for that purpose, shall inquire into and take into consideration as well the benefits as the injuries that may accrue, and estimate and assess the damages, which would be sustained by any such persons by the proposed alteration, all of which shall be certified by such appraisers to the board of trustees, who shall cause all damages aforesaid to be paid out of the town treasury before making any such change or alteration: *Provided*, that the persons who may be injured, or who may claim damages therefor, shall have three days' notice of the time and place of making such appraisal whose decision shall be final.

§ 15. That whenever the owners of any lot or piece of land, within the limits of said corporation, shall neglect or refuse to pay the tax or taxes levied on the same, whether for side-walk or general purposes, when they may become due, it shall be the duty of the president to advertise the same for non-payment, either in a newspaper printed in said town, or by posting up in three of the most public places in said town, for the space of sixty days, and on further failure of payment thereof, and costs to sell at the expiration of said sixty days at public sale, said lot or parcel of land, to pay said taxes and the costs and expenses of collection.



§ 16. All ordinances shall, within ten days after their passage, be published in a newspaper, if one is printed in the town, or by posting in three of the most public places in said town.

Publication of  
ordinances.

§ 17. When any real estate in said town shall be sold for non-payment of taxes by authority of said corporation, said lands may be redeemed in the time that other lands sold for county or state taxes, are redeemed, by virtue of the laws of this state, upon paying the treasurer of the board for the use of the purchaser, double the amount of taxes for which the same were sold, together with the costs accruing on such sale. Lands not redeemed under such sale shall be conveyed by special warrantee under the seal of the corporation, such deed to be signed by the president and clerk of the corporation.

Tax deeds.

§ 18. All lots of land or parcels of ground in said town, set apart for public purposes, or which shall have been or may be conveyed by the original proprietors thereof to the inhabitants of said town in their aggregate capacity, or to the said corporation, or to any person or persons in trust for them, or for their use.

§ 19. The president and trustees and other officers of the corporation shall, before entering upon the duties of their respective offices, take an oath or affirmation before some judge, justice of the peace or notary public, to support the constitution of the United States and of this state, and faithfully to discharge the duties of their several offices.

Officers to be  
sworn.

§ 20. The president and trustees shall have the same power to levy a property and per capita tax for road purposes, as is now conferred by law upon county courts or road commissioners, and for this purpose their jurisdiction shall extend over all persons and property within said corporation, and to all persons within one-half of a mile from said corporation, on the public roads leading therefrom; and it shall be the duty of said board of trustees to provide for working and to keep in repair all public highways leading from said town for the distance of one-half of a mile from the east, south and west boundaries of said corporation, and on the north of the state line; and the inhabitants taxed or subject to taxation by said corporation for road purposes, shall not be liable to other similar taxation by the county or township for road purposes.

Taxes.

§ 21. For the purpose of organizing said town under the provisions of this charter, an election shall be held in said town on the first Monday in June next, and the qualified voters thereof may proceed to vote for a president of said town, six trustees, one treasurer and a town constable; said election shall be held at the Richmond House in said town, and William A. McConnel, C. K. Couch and John Billings shall be judges of said election in said town; said judges of election shall conduct the same agreeably to the provis-

Election.

Judges of elec-  
tion.

- Election returns and the said judges shall make returns of said election, duly certified, with the poll books, to the clerk of the county court of McHenry county, the next day after such election; and said clerk, together with two justices of the peace of said county, shall proceed to open said returns, and canvass said votes, and the person having the greatest number of votes for the office of president shall be duly elected, and the persons who shall have the greatest number of votes for trustees shall be duly elected trustees for said town, and the person having the highest number of votes for treasurer shall be duly elected, and likewise the person having the highest number of votes for constable shall be duly elected. If more than six persons in the town shall have an equal and higher number of votes for trustees, the said clerk and justices shall proceed to determine by lot which of said persons in the town shall be trustee or trustees, and in a like manner shall determine by lot, in case two or more persons shall receive an equal and highest number of votes for the office of president and treasurer and constable, which of said persons so receiving an equal number of votes shall be entitled to such offices respectively; and said clerk and two justices shall make an abstract of the returns of said election, certified under their hands, and deliver the same to the person who shall be elected president, and the said president shall thereupon notify the persons who are elected trustees and the other officers of their election, and who shall appoint a time and place for said trustees to meet for the purpose of organizing said board.
- Tie vote.
- President. § 22. The president shall be, *ex officio*, a member of the board of supervisors of McHenry county, and shall have the same powers as any other member of said board, and receive the same compensation for the same services.
- Act to be voted on. § 23. *It is further enacted*, That this act shall not take effect and be in force until after the same shall have been first submitted to a vote of the legal voters residing or owning real estate within the limits of said corporation, as described in section two of this act, and decide in favor of the acceptance of this act of incorporation by a majority of said voters voting in favor thereof; said election to be held at the Richmond House in said town of Richmond, on Monday the twenty-ninth day of May, A. D. 1865. The town clerk of said town, together with any two justices of the peace of the town of Richmond in said county of McHenry, shall be the judges of said election, who shall appoint their clerk and be sworn in the same manner as is now provided for the swearing of other judges and clerks of elections under the provisions of this act. The poll books shall be opened for the reception of votes at this election, as well as at all subsequent elections, at one o'clock P. M., and continue open until six o'clock the same day, and within one day
- Judges of election.
- Poll books.

after the closing of said polls, the said judges shall transmit an abstract of the vote, together with one of the poll books, to the clerk of the county court of said county, who shall, together with the justices of the peace of said town of Richmond, proceed to open and canvass said votes within three days after said returns shall have been received by him; and said canvassers shall file a certificate of the result of said election, showing the number of votes for and the number of votes against accepting this act, with the clerk of the said county court; and in case the majority of votes cast at such election shall be in favor of accepting this act, then this act shall be in force and take effect from and after the filing of said canvasser's certificate. Notice of the time and place of said election shall be given by the town clerk of said town, by posting three written or printed hand-bills in the most public places of said town, at least five days previous to the day of said election: *Provided, further*, that if a majority at said election shall not vote in favor of accepting this act, that the same may be voted upon again, whenever ten legal voters of said town shall file a written request with the town clerk, to call another election, who shall thereupon call another election, and post up notices as before calling said election, within ten [days,] which said election shall be conducted in the same manner as the first.

When in force.

Proviso.

New election.

APPROVED February 16, 1865.

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AN ACT to incorporate the town of Richview.

In force Feb. 16,  
1865.

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 Richview, in Washington county, be and the same are hereby made and constituted a body corporate and politic, by the name and style of "The President and Trustees of the Town of Richview," and by that name and style shall be known in law, have perpetual succession, sue and be sued, plead and be impleaded, in all cases and courts of law and equity; may purchase, take and hold, sell, grant and convey real and personal property within the limits of said corporation, for the benefit of the same; adopt a common seal, and change the same at pleasure.

Name and style.

General powers.

§ 2. All tracts of land embraced in the original town of Richmond, (now Richview), and the town of Richview, and the several additions thereto, as the same are recorded on the records of said county of Washington, shall be included in the limits of said town, and constitute the boundaries thereof; but whenever any tract of land adjoining said town

Boundaries.



shall be laid out into town lots, and duly recorded as required by law, the same may be admitted by ordinance of the board of trustees as part of said town.

**Trustees elected** § 3. The corporate powers of said town shall be vested in a president and five trustees, who shall form a board for the transaction of town business, and a majority of whom shall form a quorum to do business.

**Annual election.** § 4. The legal voters of said town shall, on the first Monday of April, 1865, and annually thereafter, on the same day, elect, by ballot, six trustees, to serve for one year, and until their successors are elected and qualified; and said trustees shall, at their first meeting after such election, elect, by ballot, one of their number president of the board.

**Who may be trustees.** § 5. To entitle a person to hold the office of trustee of said town, he must be at least twenty-one years of age, a citizen of the United States, and possess a freehold estate in the limits of said town. All persons legally qualified to vote for governor and state representatives, shall be entitled to vote at all elections and meetings held in said town, after having resided therein sixty days.

**Monthly meetings.** § 6. The president and trustees shall meet on Tuesday, after the first Monday in April, 1865, at such place as they may select in the limits of said corporation, and provide by ordinance, for monthly stated meetings of the board thereafter, at such time and place as they may determine, and shall be the judges of the qualification and election of their members; shall have power to fill all vacancies in the board by appointment.

**Vacancy.** § 7. The first election shall be held by three judges and two clerks, to be appointed by the voters, and sworn by some officer of the state authorized to administer oaths, faithfully and impartially to perform the duties of judges and clerks of such election. Ten days' previous notice of said first election shall be given by at least one or more of the electors in said town, posting up written or printed notices thereof, in at least three public places in said town, ten days before said election, stating the object, and time, and place of holding said election; and at all subsequent elections, the board of trustees shall give such notice.

**Special meetings** § 8. The president of the board of trustees shall have power to call special meetings of the board when he may deem it necessary for the good of the corporation.

**Police magis-  
trate.** § 9. At said first election, and every four years thereafter, there shall also be elected a police magistrate for said town, to hold his office for four years, and until his successor is elected and qualified. The police magistrate shall be commissioned by the governor, take the same oaths, give like bond, and have the same jurisdiction as justices of the peace, and in addition, shall have exclusive original jurisdiction of all cases arising under the ordinances of said

**Jurisdiction.**

town, with full power to hear and determine the same, and to enforce his orders and judgments by execution and other process, the same as other judicial officers of the state; shall receive the same fees as justices of the peace for like services. Vacancies in the office of police magistrate shall be filled by special election. Fees.

§ 10. The president and trustees shall have power to levy and collect taxes on real and personal property in the limits of said town, not exceeding one per cent. on the assessed value thereof; to prevent and abate nuisances; to restrain horses, cattie, swine, sheep, dogs, and other animals from running at large in said town; to make regulations to secure the general health of the inhabitants; to establish quarantine regulations; to establish night watches, erect lamp posts, and lamps in the streets, and light the same; to build and repair bridges; to license and tax merchants, grocers, auctioneers, hotel keepers, and peddlers, theatrical and other shows, billiard tables, and all other amusements; to restrain and prohibit gaming houses, bawdy houses, and all kinds of disorderly houses; to prohibit the shooting of fire arms in the limits of the corporation; to establish and erect markets; to open and keep in repair streets, alleys, avenues, lanes, drains and sewers, and keep the same free from obstruction; to establish and regulate a fire department, and provide for the prevention and extinguishment of fires; to dig wells and erect pumps in the streets; to regulate the storage of combustibles; to make all necessary police regulations for the town; to regulate the election of town officers and fix their compensation; to pass all such ordinances as may be required to carry into effect the provisions of this act, and the powers herein granted for the good of said town; to impose fines and forfeitures for the breach of ordinances, and provide for the collection thereof, and appropriate the same, and to provide for the collection of taxes. General powers.

§ 11. The board of trustees shall have power to appoint a town constable, street commissioners, clerk, treasurer and such other officers as may be required to carry into effect the powers herein granted and to define and regulate their respective duties. Town officers.

§ 12. All officers elected or appointed by virtue of this act, shall, before entering upon the duties of office, take an oath before some officer authorized to administer oaths, to support the constitution of the United States and of this state, and faithfully and impartially to discharge the duties of office. Oath.

§ 13. The police magistrate shall allow parties the right of trial by jury in all cases wherein the laws of the state guarantee that right, and appeals and writs of *certiorari* may be prosecuted in all cases from decisions and judgments of the police magistrate, the same as from decisions and judgments of justices of the peace. Trial by jury.

Record of ordinances.

§ 14. All ordinances of the board of trustees, after having been passed, shall be signed by the president and attested by the clerk, and recorded in a book kept for that purpose, and shall have no effect until ten days after the same are published in a newspaper published in said town, or by posting written or printed copies thereof at three public places in said town.

Casting vote.

§ 15. The president shall preside at all meetings of the board of trustees when present, and when the trustees are equally divided on any question, shall decide the same by his vote. When the president is absent, the trustees shall appoint one of their number to preside *pro tempore*.

§ 16. This act shall be in force from and after its passage.  
APPROVED February 16, 1865.

#### AN ACT to incorporate the town of Rockwood.

In force April 18, 1865.

Name and style.

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

Boundaries.

§ 2. The boundaries of said town shall include within their limits all of that district of country known and platted originally as the town of Liberty.

Additions.

§ 3. Whenever any tract of land adjoining the town of Rockwood 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 Rockwood.

General powers.

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

#### ARTICLE II.

Town council.

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



§ 2. No person shall be a member of the town council unless he shall be, at the time of, and shall have been at 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. Members of town council.

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

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

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

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

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

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

§ 9. There shall be four stated meetings of said council in each year, on the first Monday in March, first Monday in June, first Monday in September and first Monday in December. Stated meetings.

### ARTICLE III.

§ 1. There shall be elected in the town of Rockwood, by the qualified voters thereof, on the first Tuesday in March, 1865, and on the first Tuesday every four years thereafter, one police justice and one town constable, who shall hold their offices for four years, and until their successors shall be elected and qualified. Election of police magistrate.

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

§ 3. For the election of police justice and town constable, the town of Rockwood is hereby declared an election precinct; and such elections shall be conducted, and the returns thereof made in the same manner as the election and the return of other justices and constable, provided such election shall be held at the same time and be conducted by the same judges as the election for members of the town council. Election precinct. pre-

Powers of police  
justice.

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

Town constable.

§ 5. The town constable 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 said office, as may be prescribed by law for other constables, and shall perform service in similar cases.

#### ARTICLE IV.

##### OF THE ELECTIONS.

Annual election.

§ 1. On the first Tuesday of March next, an election shall be held in said town for the president and four members of the town council, and forever thereafter, on the first Tuesday of March of each year, there shall be an election held for said officers. The first election shall be held and conducted, and the returns thereof made, as may be provided in all similar cases; and in cases of the office being vacated by any of its members, an election may be called to fill the office of the member vacating.

Legal voters.

§ 2. All who are entitled to vote for state officers, and who shall have been actual residents of said town three months next preceding said election, shall be entitled to vote for said officers.

#### ARTICLE V.

##### OF THE LEGISLATIVE POWERS OF THE COUNCIL.

Powers of the  
council.

§ 1. The town council shall have power and authority to levy and collect taxes upon all property, real and personal, within the limits of the town, not exceeding one per centum, per annum, upon the assessed value thereof, and may enforce the payment of the same in any manner to be prescribed by said council, 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, and assessor, and supervisor of streets, and all such other officers as may be necessary, and to require of

all officers appointed in pursuance of this charter, bonds, with such penalties and securities for the faithful performance of their duties, as may be deemed expedient.

§ 3. Also, to require all officers appointed aforesaid, to take oath for the faithful performance of the duties of their respective offices, before entering upon the discharge of the same.

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

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

§ 6. To open, make, alter, abolish, extend, grade, pave, or otherwise improve and keep in repair, streets and alleys.

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

§ 8. To license, tax, regulate and suppress auctioneers, hawkers, peddlers, brokers, exhibitions, shows, amusements, retail liquor shops and groceries.

§ 9. To prohibit and suppress tippling houses, dram shops, gaming houses, bawdy houses, and other disorderly houses.

§ 10. To provide for taking enumeration of the inhabitants of the town.

§ 11. To regulate the election of town officers, and to provide for removing from office any person holding an office created by ordinance.

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

§ 13. To regulate the police of the town ; to impose fines, forfeitures and penalties for any breach of any ordinance ; for the recovery and appropriation of such fines and forfeitures, and for the enforcement of such penalties : *Provided*, Proviso. that the right of trial by jury shall, in no case, be denied to any person.

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

§ 15. The style and ordinances of the town shall be, "*Be it ordained by the council of the town of Rockwood.*"

§ 16. All ordinances passed by the town council shall, Notice of ordinances. within one month after they have been passed, be published in such manner as may be provided by ordinance, and be in force from and after publication.

§ 17. All ordinances of the town may be proved by the seal of the corporation ; and when printed or published by the authority of the corporation, in book, pamphlet or any Proof of ordinances.



other form, the same shall be received in evidence, in all courts and places, without further proof.

## ARTICLE VI.

### OF THE PRESIDENT.

**Casting vote of president.** § 1. The president shall preside at all meetings of the town council, and shall have the casting vote in case of a tie. When not in attendance, the council shall appoint one of their number chairman, who shall preside at that meeting.

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

**Duty of president.** § 3. The president shall be active and vigilant in enforcing the laws and ordinances of the government of the town; he shall inspect the conduct of all the subordinate officers of the town, and cause negligence and positive violations of duty to be prosecuted and punished; and he is hereby authorized to call on any male inhabitant of said town, over the age of twenty-one, 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 fifteen dollars.

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

## ARTICLE VII.

### OF PROCEEDINGS IN SPECIAL CASES.

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

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

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

as well as the injury happening to the owner of property proposed to be taken for opening or altering a street or alley by such opening or altering.

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

Inquest when set aside.

§ 5. The town council shall have power by ordinance to levy and collect a special tax on the holders of lots on any street or alley, or any part of any street or alley, according to the respective fronts owned by them, for the purpose of paving or grading the sidewalk of said street or alley.

Special tax.

#### ARTICLE VIII.

§ 1. The inhabitants of the town of Rockwood 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.

Road labor.

§ 2. The town council shall have power, and it is hereby made its 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 supervisors of said town, shall forfeit and pay the sum of one dollar and twenty-five cents to said town for each and every day so neglected and refused.

Street labor.

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

Offenders.

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

Annual state-  
ment.

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

Ordinances.

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

Suits and actions

§ 7. All actions, fines, penalties and forfeitures which may accrue in said town, shall be appropriated for the use of the public schools in said town.

School fund.

§ 8. James Dean, John Clendenin, J. L. Mann, Ben. Richards and Samuel Davenport, shall immediately after

Notice of election

the passage of this act take measures to promulgate this law within the limits of the town of Rockwood, and issue their proclamation for the election of officers, and cause the same to be published in three public places in said town, ten days prior to the day of election of such officers.

Arrests.

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

Vacancy.

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

§ 11. No person shall be eligible to the office of president or councilman unless he be a property holder within the limits of said town.

§ 12. This act is hereby declared a public act, and may be read in evidence in all courts of law without further proof.

Acts repealed.

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

Writs and fees.

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

APPROVED February 16, 1865.

In force Feb. 16,  
1865.

AN ACT to incorporate the town of Somonauk.

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 Somonauk, in the county of DeKalb and state of Illinois, are hereby constituted and declared a body corporate and politic, by the name and style of "The Town of Somonauk," and by that name the said body corporate shall have all the rights, powers and privileges granted to the town of Belvidere, in an act entitled "An act to incorporate the town of Belvidere," approved February 5, A. D. 1857, and the said act to incorporate the town of Belvidere is hereby enacted for the government of the town of Somonauk, the name Somonauk in place of Belvidere, and the name DeKalb in place of Boone being inserted throughout the act.*

Name and style.



§ 2. Said corporation shall include all that district of country contained in and known as the southeast quarter of section number thirty-two (32), and the west half of the southwest quarter of section number thirty-three (33), township thirty-seven (37), north of range number five (5), east of the third (3) principal meridian, in DeKalb county: *Provided*, the board of trustees may extend the limits of said corporation, not to exceed one mile square of land.

Boundaries.

Proviso.

§ 3. The first election of trustees and other officers of said corporation, shall be held on the second Monday in March, A. D. 1865, and annually thereafter, as provided in the third section of the act to incorporate the town of Belvidere.

Annual election.

§ 4. All actions, rights, fines and penalties, in suit or otherwise, which have accrued to the president and trustees of said town of Somonauk, as heretofore constituted a corporation under the general laws of this state, shall be vested in and prosecuted by the corporation hereby created.

Actions and fines vested.

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

APPROVED February 16, 1865.

AN ACT to detach the town of Somonauk from the county of DeKalb, and annex the same to the county of Kendall.

In force Feb. 16, 1865.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That township thirty-seven (37), north of range five (5), east of the third principal meridian, known as the town of Somonauk, be, and the same is hereby detached from the county of DeKalb, and attached to, and hereby declared to be a part of the county of Kendall: *Provided*, that a majority of all the voters of said county of DeKalb, and also of the said county of Kendall, voting on the question, shall vote for the same, in the manner hereinafter prescribed.

Town detached.

Proviso.

§ 2. The qualified voters of the said county of Kendall, may, at the annual town meeting to be held in the several towns in said county for the election of town officers in the year 1865, vote for or against the annexation of the said town of Somonauk to the county of Kendall, by ballot, upon which shall be written, or printed, or partly written and partly printed, "for annexation," or "against annexation."

Vote on change.

§ 3. The clerk of the county court of the county of Kendall shall give notice of said election in the several towns or election districts in said county, in the same manner as notices of general or special elections are given, as nearly as may be, and the said election shall be conducted

Notice of election.

by the same persons, and in the same manner, and returns thereof in the same manner, as is now provided by law for conducting town meetings. Returns of said election shall be made by the several boards of election to the clerk of the county court of Kendall county, who shall be governed by the general election law then in force, in opening and canvassing the same. The clerk of the county court of the county of Kendall shall certify and make return of the votes to the clerk of the county court of the county of DeKalb, within ten days after the same have been canvassed, and shall also within twenty days make return of said votes to the secretary of state.

§ 4. If it shall appear from the certified returns of the clerk of the county court of the county of Kendall, filed in the office of the clerk of the county court of the county of DeKalb, that a majority of all the voters voting at said election in Kendall county be "for annexation," then and in that case the clerk of the county court of the county of DeKalb, shall, on the filing in his office a written request or petition, on which shall be indorsed a certificate made by the supervisors and town clerk of said town of Somonauk, setting forth that said request or petition is signed by a majority of the legal voters of said town, call a special election on the day named in such petition, to be held in the several towns or election districts in said county of DeKalb, to vote for or against the annexation of the said town of Somonauk to the county of Kendall, by ballot, upon which shall be written or printed, or partly written and partly printed, "for annexation," or "against annexation." The clerk of the county court of the county of DeKalb shall give notice of said election in the several election districts in said county, in the same manner as notices of general or special elections are given, as nearly as may be, and the judges of election, and clerks thereof, shall conduct said election, and make returns thereof in the same manner as is now, or may then be provided by law for conducting elections; and in case of vacancies in the board of election, or failure to attend, such vacancies shall be filled in the same manner as provided by law for conducting elections. Returns shall be made by the several boards of election to the clerk of the county court of the county of DeKalb, who shall be governed by the election law then in force in opening and canvassing the same, and shall make a certified return of said votes to the secretary of state within ten days thereafter; and shall also within the ten days thereafter, under his hand and seal of said court, make return of said votes to the clerk of the county court of the county of Kendall; and if it shall appear from said return that a majority of the voters voting at such election in DeKalb county shall be "for annexation," then, and in that case, the said town of Somonauk shall be detached from the county of DeKalb,

and be annexed to, and become a part of the county of Kendall, from the time of filing the same in the office of the clerk of the county court of the county of Kendall.

§ 5. All the justices of the peace, constables, or other officers in the town of Somonauk, including the officers of the corporate towns of Sandwich and Somonauk, whose term of office shall not have expired at the time of said election, shall continue to hold their said offices, and they and their successors in office shall exercise the jurisdiction and perform the duties thereof in the same manner, and to the same extent in the county of Kendall, to which they are attached, as they have heretofore enjoyed and performed in the county of DeKalb. Officers to continue.

§ 6. All suits and prosecutions that have been or may be commenced in said county of DeKalb, against any person or persons, one or more of whom may be a resident of said town of Somonauk, including all proceedings in the county court of said county of DeKalb, in matters of probate, in which the decedent was at the time of his decease, a resident of said town of Somonauk, shall not be affected by this act; but all such suits, prosecutions and proceedings, shall be prosecuted and conducted to their final termination in said DeKalb county; and the officers of said DeKalb county are hereby authorized to execute all writs that may be necessary for the completion of said suits, prosecutions and proceedings within the limits of said town of Somonauk; and all judgments that have heretofore or that hereafter may be obtained under the provisions of this section; and all executions issued on said judgments, and all liens created by any and all proceedings had under the criminal laws of this state, shall have the same lien upon all property, real and personal, within the limits of said town of Somonauk, as though the same had not been attached to the county of Kendall. Suits, brought. how

§ 7. The board of supervisors of the said county of Kendall, shall, at the written request of the supervisor, town clerk, and justices of the peace of the town of Somonauk, and on their joint recommendation, or a majority of them, by an order to be entered of record, appoint some competent person a commissioner for the purpose hereinafter expressed, who shall take an oath of office before some person authorized by law to administer oaths. Said board shall at the same time provide a sufficient number of blank books, and deliver to said commissioner, who shall receipt for the same to the clerk of the county court of said county; and as soon as said books shall be delivered to said commissioner, he shall record in each a copy of the order of his appointment, which shall be furnished him by the clerk of the county court of said county, and also of his oath of office; and shall thereupon proceed to enter into such books, all such deeds, mortgages and title papers of every description; Commissioner. Transcript of deeds.



with the certificates of acknowledgment thereto, of lands lying in the town of Somonauk, which have been or may be recorded hereafter, before the annexation of said town of Somonauk to the county of Kendall, together with the time when such deeds, mortgages and title papers were filed in the recorder's office of said DeKalb county for record. And there shall be allowed to said commissioner such compensation as his services are reasonably worth.

Record of facts.

§ 8. When said commissioner shall have completed his work, he shall make return of said books to the clerk of the circuit court of said county of Kendall; and they shall thereupon be taken and considered, to all intents and purposes, as books of record of deeds, mortgages and title papers for the county of Kendall; and copies of said papers duly certified by the officer having custody of said books, shall be evidence in all courts and places, in the same manner that copies of records are evidence in other cases, and with like effect.

Payment of bounties.

§ 9. The county of Kendall as now organized, shall be responsible for and bound to pay all the debt now incurred, or that may hereafter be incurred by said county for the purpose of paying bounties, and procuring enlistments of soldiers and substitutes into the military service of the United States, and for the support of soldiers' families, prior and up to the time of annexation of said town of Somonauk to said county of Kendall; the said town of Somonauk being hereby specially exempt from taxation for the payment of said debt. And the town of Somonauk shall be responsible for, and bound to pay its proportionate share of the war debt of the county of DeKalb, being the debt already incurred, or that hereafter may be incurred before the annexation of said town to the county of Kendall, for the purpose of paying bounties and procuring enlistments of soldiers and substitutes into the military service of the United States, and also for the support of soldiers' families, to be ascertained from the aggregate amount of assessment of real and personal estate of the several towns of the county of DeKalb for the year 1864. And the board of supervisors of the county of Kendall shall, each and every year, until such proportionate part of the war debt of DeKalb county as may be set off to said town of Somonauk, shall be fully paid, cause to be levied a special tax sufficient to pay the interest on such proportionate share of the war debt of the county of DeKalb, and the principal, as fast as the same shall become due, but at no time at a rate to exceed five per cent. per annum on all the taxable property of the said town of Somonauk; which said tax, when so levied, shall be collected by the same person, and in the same manner, as all other taxes for state, county and town purposes are collected; the same powers being hereby granted to enforce the collection of the same; and when so collected, shall be paid over by

War debt.

Special tax.

said town collector to the treasurer of the county of DeKalb, after deducting the commissions to which he may be entitled by law for such collection, and take his receipt in duplicate therefor, and return one of them to the treasurer of the county of Kendall, and the treasurer of the county of DeKalb shall credit the said town of Somonauk on their war debt the amount so paid to him.

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

APPROVED February 16, 1865.

AN ACT to repeal section four (4) of an act therein named.

In force Feb. 16,  
1865.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That section four (4) of an act entitled "An act to incorporate the towns of Sycamore and Sandwich," approved February 21, 1859, be and the same is hereby repealed. Section repealed

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

APPROVED February 16, 1865.

AN ACT to amend an act entitled "An act to incorporate the town of Toulon." In force Feb. 16,  
1865.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That section ten of "An act to incorporate the town of Toulon," approved February 11, 1859, be so amended that when any judgment shall be rendered against any person or persons for any fine, forfeiture or penalty, under any ordinance or by-law of said town, the police magistrate or justice of the peace before whom such judgment shall be obtained, shall, unless the fine or penalty so imposed and all the costs of such suit shall be immediately paid, issue a mittimus and commit such person or persons to the jail of the county of Stark, there to remain until such fine or penalty and costs shall be paid, or until such person or persons shall be released under or by virtue of the provisions of said section ten of the act aforesaid; and that portion of said section ten providing for the issuing of an execution against such person or persons, prior to such committal, is hereby repealed. Commitment if  
fine be not paid.

Provision re-  
pealed.

§ 2. Whenever a mittimus shall be issued, as provided for in the preceding section, by said magistrate or justice of the peace, it shall be the duty of the town constable, or any constable to whom the same shall be directed, to convey to and commit such convicted person or persons into the hands of the jailer of said Stark county, and said jailer shall receive and commit such person or persons to the said jail, there to remain for the time above provided.

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

APPROVED, February 16, 1865.

In force April 18, 1865. AN ACT to change the name of the town of Trenton, in the county of Bureau.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That from and after the passage of this act the town of Trenton, in the county of Bureau, shall be known in fact and in law as the town of Sherman, the said name of Trenton being hereby changed to that of Sherman.

§ 2. All the rights, privileges and immunities and duties heretofore possessed and enjoyed by the said town of Trenton, and all the official doings of the town authorities of the said town of Trenton, which were of legal force under the name of the town of Trenton, are hereby continued and declared to be in full force and effect under the new name of the town of Sherman.

APPROVED February 16, 1865.

In force Feb. 16, 1865. AN ACT to incorporate the town of Trenton, in Clinton county, 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 Trenton, Clinton county, Illinois, are hereby [created] 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 Trenton," 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 include the original town of Trenton and the several additions thereto,



as the same are recorded in the recorder's office in said county of Clinton.

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

§ 4. The inhabitants of said town, by the name and style aforesaid, shall have power to sue and be sued, to plead and be impleaded, defend and be defended in all courts of law and equity, and all actions whatever; to purchase, receive and hold property, real and personal, in said town, and also 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 powers.

§ 5. The corporate powers and duties of said town shall be vested in five trustees, who shall form a board for the transaction of business, and the persons who may be in office as trustees in said town under the general incorporation act of this state, shall, after the passage of this act, be deemed to hold their offices, by virtue of this act, until the first Monday of April, 1865, and until their successors in office are elected and qualified, to discharge their duties in conformity to the provisions of this act. Board of trustees

§ 6. That there shall on the first Monday in April next be elected, by ballot, five trustees, and on every first Monday of April thereafter, who shall hold their offices for one year and until their successors are duly elected and qualified, and public notice of the time and place of holding said election shall be given by the president and trustees of said town by an advertisement published in a newspaper published in said town, or posting it up in at least three of the most public places in said town for at least ten days. No person shall be a trustee of said town who has not arrived at the age of twenty-one years, and who has not resided in said town one year next preceding his election, and who is not at the time thereof a *bona fide* freeholder in said town, and moreover, who has not paid a state 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 vacancy shall not exceed three months; all vacancies which shall occur for a longer time the board shall give ten days' notice by posting up at least three advertisements in said town, for the election of a trustee to fill such vacancy, to be filled in the same manner as pro- Election of trustees.

Qualification.

Proviso.

Town officers.

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

Powers of trustees.

§ 7. The trustees aforesaid, and their successors, or a majority of them, shall have full power and authority to ordain and establish such rules and regulations for their government and direction and for the transaction of the business and concerns of the corporation as they may deem expedient, and to ordain and establish and put in execution such by-laws, ordinances and regulations as shall seem necessary for the government of said town, and for the management, control, disposition and application of its corporate property, and generally to do and execute all and singular such acts, matters and things which to them may seem necessary to do, and which are not contrary to the laws and constitution of this state.

General powers

§ 8. The said trustees shall have power to levy and collect a tax, not exceeding one half per cent., on all lots and improvements and personal property lying and being within the incorporate limits of said town, according to valuation; to tax public shows and houses of public entertainment, taverns, beer houses and stores, for the purpose of making and improving the streets and keeping them in repair, and for the purpose of erecting such buildings and other works of public utility as the interests and conveniences of the inhabitants of said town may require; and may adopt such modes and means for the assessment and collection of taxes as they, from time to time, shall 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 in said town, or at four of the most public places in said town, by putting up written notices containing a list of said delinquent real estate, at least thirty days previous to the day of sale.

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

Real estate sold  
for taxes.

§ 10. The trustees shall have power to regulate, grade, plank, pave and improve the streets, public squares and alleys in said town, for which purpose they shall have power to levy, annually, a road labor tax of not more than five days nor less than two days, against every able bodied male inhabitant of said town over the age of twenty-one years and under fifty years of age, to be collected and expended in such manner as they shall determine and direct.

Public grounds.

§ 11. The trustees shall have power to tax, restrain, prohibit and suppress tippling houses, dram-shops and gaming houses, bawdy houses and other disorderly houses, and to suppress and restrain billiard tables.

Tippling shops  
and disorderly  
houses.

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

Disturbances.

§ 13. It shall be the duty of any justice of the peace in said town, and he is hereby authorized and empowered, on view or upon complaint being made to him upon oath of the violation of any laws or ordinance of said town, to issue his warrant, directed to the town constable, or to any other authorized person, to apprehend the offender or offenders and bring him or them forthwith, and after hearing the evidence, if it should appear that the accused has been guilty of the violation of any law or ordinance of the corporation, to impose such fine or imprisonment as shall be provided by the by-laws for the punishment of such offenses.

Duties of police  
magistrate.



Certiorari.

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

Fines.

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

Records.

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

Power to build a plankroad.

§ 17. The trustees shall have power to build a plank road or roads in said town, to be located in any street, to and from such points thereon as the trustees shall direct, for which purpose the said trustees are hereby empowered to issue the bonds of the town of Trenton, pledging for the security of the payment of the same the revenue which may be derived from the special tax hereinafter provided for, the amount of said bonds shall not exceed ten thousand dollars, nor bear a greater rate of interest than ten per cent. per annum; that said trustees, for the purpose of paying said bonds, are hereby empowered to levy and collect a special tax not exceeding one per cent. on all lots and improvements and personal property lying and being within the corporate limits of said town, which said valuation shall be assessed by three *bona fide* freeholders in said town, who shall be appointed by said trustees.

Pavements and 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 said 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 abate thereof.

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

APPROVED February 16, 1865.

AN ACT to amend an act entitled "An act the better to provide for the incorporation of the town of Tuscola." In force Feb. 15, 1865.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the words "shall be compelled to pay at least one-half of the expenses of building and erecting the same, and that one-half of such tax or expense for building and constructing the same, as above provided, shall be and constitute a lien on the said lot," in section twelve of said act, be and the same are hereby stricken out, and in the place thereof, the following words be and are hereby inserted: "May be compelled to pay the whole or such portion of the expenses for building and constructing the same, as the president and trustees of the town of Tuscola may provide by ordinance: *Provided*, that said ordinance or ordinances shall be uniform in their operation, and that the whole, or such portion of the tax or expense for building and constructing the same as shall be provided for by ordinance, shall be and constitute a lien upon the said lot."

Provisions re-  
pealed.

What added.

Proviso.

§ 2. The corporation of the president and trustees of the town of Tuscola shall include all within the limits of the following boundaries: Commencing at the north-east corner of section number thirty-four, (34,) in township sixteen (16) north, range eight (8) east, of the third principal meridian, in the county of Douglas, and state of Illinois, and running from thence west to the north-west corner of said section, and from thence south to the south-west corner of said section, and from thence east to the south-east corner of said section, and from thence north to the place of beginning.

Boundaries.

§ 3. Whenever any tract of land adjoining the town of Tuscola, or any addition thereto, shall be laid off into town lots, and duly recorded as required by law, the same shall be annexed to and form a part of the corporation of the president and trustees of the town of Tuscola, by the act, operation and virtue of this act.

Additions.

§ 4. The words "five acres and over," in the twenty-sixth section of the act to which this is an amendment, are hereby stricken out, and the words "fifteen acres and over, owned by one person," are hereby inserted in the place thereof.

Assessment.

§ 5. That the assessments of property in said town of Tuscola for taxation, for the year eighteen hundred and sixty-four, be and the same are hereby declared legal; and that all ordinances and public acts, not in conflict with the constitution of the United States and of this state, heretofore passed by the president and trustees of the town of Tuscola, which remain unrepealed, are hereby declared legal, and in full force and effect.

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

APPROVED February 15, 1865.

In force Feb. 16,  
1865.

AN ACT to incorporate the town of Upper Alton.

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 Upper Alton, in the county of Madison, and state of Illinois, be and they are hereby constituted a body politic and corporate, by the name and style of "The Town of Upper Alton;" and by that name shall have perpetual succession, and may have and use a common seal, which they may change and alter at pleasure.

§ 2. The boundaries of the town of Upper Alton shall be as follows: Beginning at a point on the south boundary line of section number seven, township five north, range nine west, of the third principal meridian, ten chains (forty rods) east from the south-west corner of said section seven; thence from said point, running east along said section line, to a stone set at the intersection of the center of Wallace street, in an addition to Upper Alton by heirs of Ninian Edwards; thence northward, along the center of said Wallace street, to a point ten rods south from the south side of Brown street; thence eastwardly, parallel with Brown street on a line ten rods distant therefrom, to the east boundary line of section seven; thence north along the section line to the north-east corner of said section seven; thence west along the north boundary line of said section to the center of Seminary street; thence northward along the center of the street or road leading north from Seminary street to a point at which the extended center line of Hickory street, in the said addition to Upper Alton intersects the center of said road; thence west with the center of Hickory street to the center of Elizabeth street; thence south with the center of Elizabeth street to the north boundary line of section seven; thence east along the section line about four chains, more or less, to a point ten chains east from the north west corner of section seven; thence south parallel with the western boundary line of said section seven at the distance of ten chains (40 rods) therefrom, to the beginning point on the south boundary line of said section.

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



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

## ARTICLE II.

### OF THE TOWN COUNCIL.

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

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

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

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

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

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

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

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

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

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

truly perform the duties of his office to the best of his ability.

Tie vote.

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

Meeting.

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

### ARTICLE III.

#### MAGISTRATE AND CONSTABLE.

Police magis-  
trate.

§ 1. The present police magistrate of the town of Upper Alton, 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 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 a town council of said town, after the expiration of the term of office of the present police magistrate of said town, and biennially thereafter, there shall be elected a police justice, who shall hold his office for two years, and until his successor shall be elected and qualified.

Eligibility.

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

§ 3. For the election of a president and four trustees, and a police justice, the town of Upper Alton is hereby declared an elective precinct; and such election shall be conducted, and the returns thereof made, in the same manner as the election and returns of all other officers under the constitution of the state of Illinois.

Commission of  
justice.

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

Provido.

defendant, as required by the law governing justices of the peace, a change of venue shall be granted, in all cases, from the police justice of said 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 Madison county be invested with the powers conferred upon the police magistrate by the provisions of this act. Proviso.

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

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

#### ARTICLE IV.

##### OF ELECTIONS.

§ 1. On the first Monday of April, one thousand eight hundred and sixty-six, an election shall be held in said town, for the president and four members of the town council; and forever thereafter, on the first Monday of April of each year, there shall be an election held for said officers. The first election shall be held, conducted, and returns thereof made, as may be provided by ordinance by the present president and trustees of the town of Upper Alton; and all succeeding elections, as may be provided by ordinance of the town council by this act created. Election.

§ 2. All persons who are entitled to vote for state officers, and who shall have been actual residents of said town six months next preceding said election, shall be entitled to vote for said officers. Legal voters.

#### ARTICLE V.

##### OF THE LEGISLATIVE POWERS OF THE COUNCIL.

§ 1. The town council shall have power and authority to levy and collect taxes upon all property, real and personal, within the limits of the town, for town purposes, 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 town council is Tax to be collected.



hereby authorized and empowered to provide for the sale of personal property for the taxes due thereon; as, also, for the sale and conveyance of all 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 this state.

Proviso.

Officers.

§ 2. The town council shall have power to appoint a clerk, treasurer, assessor, constable and supervisor of streets, and all such 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 security for the faithful performance of their duties, as may be deemed expedient.

Oath.

§ 3. Also, to require all officers appointed as aforesaid, to take an oath for the faithful performance of the duties of their respective offices, before entering upon the discharge of the same.

Appropriations.

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

Borrow money.

Proviso.

§ 5. The town council shall have power to borrow money on the credit of the town: *Provided*, that the amount of money borrowed and the indebtedness of the corporation on account of money loaned, shall at no time exceed two thousand dollars, and at a rate of interest not to exceed ten per cent.

Limitation.

§ 6. No loan or borrowing of 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 in other elections.

General powers.

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

§ 8. To provide the town with water; to sink and keep in repair wells and pumps, in the streets, for the convenience of the inhabitants; and to regulate the fixing of chimneys, flues and stove pipes.

§ 9. To open, alter, extend, grade, pave or otherwise improve and keep in repair, streets and alleys, and to remove obstructions therefrom.

§ 10. To order and regulate parapet walls and partition fences.

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

§ 12. To prevent and regulate the running at large of dogs, and authorize the destruction of the same when at large contrary to ordinance.

§ 13. To prevent horse racing, or any immoderate riding or driving within the limits of said town, of horses or other animals; to prohibit the abuse of animals; to compel persons to fasten their horses or other animals attached to vehicles or otherwise, while standing or remaining in any street, alley, public square, vacant lot or public road in said town.

§ 14. To prevent, suppress and prohibit any riot, affray, disturbance of the peace, by loud and unusual noises, or any disorderly conduct, disorderly assemblages, assaults, assaults and batteries, firing of squibs, rockets, guns, or other combustibles, or fire arms, within the limits of said town.

§ 15. To license, tax, regulate and suppress theatrical and other exhibitions, bowling alleys, billiard tables, shows and amusements.

§ 16. To suppress and prohibit the selling, bartering, exchanging and trafficking in wines, gin, rum, brandy, whisky, beer, or other intoxicating beverages, within the limits of said town.

§ 17. The board of trustees shall have power to appoint an attorney to attend to all suits for the breach of ordinances, and shall have power to provide for the taxation of his fees in each case, not to exceed two dollars, and for the recovery of the same, with other costs of the suit.

§ 18. To regulate the election of town officers, and to provide for removing from office, any person holding office created by ordinance.

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

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

§ 21. The town council shall have power to erect, within the town of Upper Alton, a calaboose, for the confinement and punishment of persons guilty of violation of the ordinances of the corporation hereby created.

§ 22. No fine for breach of any ordinance shall exceed fifty dollars, nor imprisonment for like offense, twenty days.

§ 23. 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.

Ordinances.

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

§ 25. The [town council may] ordain and establish all such rules, regulations and laws for their government and direction, and for the transaction of business, and the concerns of the corporation, as they may deem expedient; and to ordain and put in force and operation laws, ordinances and regulations as to them may seem proper for the government of said corporation, and for the management and control of said corporation, and for the application and disposition of its corporate property; and generally to do all and singular, by the passage of by-laws or otherwise, anything, which in their opinion, may be necessary and proper for the government and well-being of the said incorporation, which are authorized by the general laws of the state, for the government of towns and cities.

Publication of ordinances.

§ 26. All ordinances passed by the town council, shall, within one month after they shall have been passed, be published by posting up copies in three or more places in the town, and shall not be in force until they have been published as aforesaid.

Style of ordinances.

§ 27. The style of the ordinances of the town shall be: "*Be it ordained by the Town Council of the town of Upper Alton.*"

Proof of ordinances.

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

## ARTICLE VI.

### OF THE PRESIDENT.

President.

§ 1. The president shall preside at all meetings of the town council, and shall have the casting vote and no other. In any case of his non-attendance at 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, Special meetings may call a special meeting of the town council.

§ 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. Exhibit of books.

## ARTICLE VII.

### OF PROCEEDINGS IN SPECIAL CASES.

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

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

§ 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 justice, 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 injury happening to the owner of property proposed to be taken for opening or altering a street or alley, by such opening or altering. Jurors.

§ 4. The town council shall have power, by ordinance, to levy and collect a special tax on the holders of lots on any street or alley, according to the respective fronts owned by them, for the purpose of paving and grading the sidewalks of said street or alley. Special tax.

## ARTICLE VIII.

## SCHOOLS.

Boundaries.

§ 1. All of the territory lying within the corporate limits of the town of Upper Alton, as defined in article one, section two of this act, with such other territory as may be hereafter incorporated with, and come under the jurisdiction of, said town, is hereby erected into a common school district, to be known as the Upper Alton school district.

Jurisdiction.

§ 2. The town council of said town shall have exclusive jurisdiction and supervision of all common schools therein; and shall have all the powers and discharge all the duties that are now incumbent upon school directors, under the laws of the state of Illinois: *Provided*, that the town council may appoint a board of education, to consist of three members, for the management of the schools of the town, and prescribe, by ordinance, their duties.

Proviso.

Powers.

§ 3. The town council shall have power to sell and convey any and all property now held by the trustees and directors of schools within the town, for the purpose of purchasing sites or erecting school houses; and generally to have and possess all the rights, powers and authority, necessary for the proper management of the schools of said town and the school lands and funds belonging to the said school district, with power to enact such ordinances as may be necessary to carry into effect the powers hereby granted.

Taxes

§ 4. All the school taxes shall be paid into the town treasury, and shall be kept a separate fund for building of school houses and keeping the same in repair, and maintaining and supporting the schools in said town.

Extension of boundaries.

§ 5. The town council may, for school purposes exclusively, at any time, by ordinance, extend the boundaries of said corporation, on the north not exceeding one-half mile, on the south not exceeding one-fourth of a mile, on the east not exceeding three-fourths of a mile, and on the west not exceeding one-eighth part of a mile.

## ARTICLE IX.

## MISCELLANEOUS.

Exemption.

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

Street labor.

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

notified by the street commissioner of said town, shall forfeit and pay the sum of one dollar to said town for each day so neglected or refused.

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

§ 4. All ordinances and resolutions passed by the president and trustees of the town of Upper Alton, shall remain in force until the same shall have been repealed by the town council hereby created. Ordinances.

§ 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 town of Upper Alton. Suits and actions

§ 6. All actions, fines, penalties and forfeitures which have accrued to the president and trustees of the town of Upper Alton, shall be vested in and prosecuted by the corporation hereby created. Actions.

§ 7. All property, real and personal, heretofore belonging to the president and trustees of the town of Upper Alton for the use of the inhabitants of said town, shall be and the same are hereby declared to be vested in the corporation hereby created. Property.

§ 8. This charter shall not invalidate any act done by the president and trustees of the town of Upper Alton, nor divest them of any rights which have accrued to them prior to the passage of this act.

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

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

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

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

§ 13. The town constable, or any other officer authorized to execute writs or other processes, issued by the police justices shall have power to execute the same anywhere in Madison county, and shall be entitled to the same fees as other constables are in like cases. Writs.



Acts legalized.

§ 14. All the former acts of the president and board of trustees of the town of Upper Alton are hereby legalized.

Election.

§ 15. The president and trustees of the town of Upper Alton shall, immediately after the passage of this act, take measures to promulgate this law within the corporate limits of said town, and shall cause an election to be held in said town on the first Monday of April next, at which the inhabitants residing within the limits of said town, who are qualified to vote for state officers, shall vote for or against this charter, and if a majority of the votes given at such election shall be in favor of the adoption of said charter, said charter shall take effect as a law; but if a majority of the votes shall be against the adoption of said charter, then this act to be of no effect.

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

APPROVED February 16, 1865.

In force April 18, 1865. AN ACT to amend an act entitled "An act to incorporate the town of Vienna."

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 incorporate the town of Vienna, approved February 22, 1859, shall be so amended as to read as follows, viz: "The boundaries of said town shall be as follows: commencing at the south-east corner of the south-west quarter of section number nine, (9,) in township number thirteen (13), south of range number three (3), east of the third principal meridian, running thence due north to the township line between townships number twelve and thirteen, as aforesaid, thence due west two (2) miles, thence due south two (2) miles, thence due east two (2) miles, to the place of beginning."

APPROVED February 16, 1865.

In force when  
voted for.

AN ACT to incorporate the town of Virden, Macoupin county, Illinois.

Name and style.

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

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

§ 3. The boundaries of said town of Virden shall consist of and include all that district of country, in the county of Macoupin, state of Illinois, and described as follows, to wit: The whole of section nine (9), in township twelve (12), range six (6), as originally laid off in the plat of said town, and all additions that may hereafter be made to said town. Boundaries.

§ 4. There shall be a board of trustees, consisting of a president and four trustees, to be chosen by the qualified voters, who shall hold their offices for the term of one year, and until their successors are elected and qualified. Trustees.

§ 5. No person shall be elected president or trustee of said town who shall not be qualified to vote for state and county officers and for trustees of said town. That at any election for trustees, every person who shall be qualified to vote for state officers and who shall have resided within the limits of said corporation for thirty days previous to such election, may enjoy the right of an elector. Who may be trustees.

§ 6. A majority of said board shall constitute a quorum, but a smaller number may adjourn from day to day, and compel the attendance of absent members under such penalties as may be prescribed by ordinance. Quorum.

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

§ 8. There shall be twelve stated meetings of the board in each year at such times and places as may be prescribed by ordinance or by order of the board of trustees, and may hold adjourned meetings to attend to unfinished business. The president shall preside at the meetings of the board, and shall give the casting vote, and no other. The president, or any two of the board, may call 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 mem- Judges of election.

bers, 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 vacancies in the board of trustees, occasioned by death, resignation, removal or continued absence from town for three months, or otherwise.

Vacancy.

Annual election

§ 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.

Powers of board of trustees.

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

*First.* To cause all the streets, alleys and public lanes within the limits of said town, and all the streets, lanes and alleys leading to and from said town, for a distance of one mile from the public square, to be kept in good repair, and to this end they shall require every male resident of said town over the age of twenty-one years and under fifty years to labor on the same not exceeding three days in each year, and if such labor be insufficient for that purpose, to appropriate so much from the general funds as they shall deem necessary therefor.

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

*Third.* To make, construct and keep in repair sidewalks or pavements in front of any lot or lots adjacent to any street or streets in said town; and to levy and collect a tax from time to time upon the lot or lots in front of which such sidewalks or pavements are or shall be ordered and proposed to be made, constructed or kept in repair sufficient to pay one-half the expense of such construction or repair: *Provided*, such tax shall be on such lots proportionate to the length of their respective fronts. And in the event of the neglect or refusal of the owner or owners of such property to pay the assessment so made, the amount of such tax shall be collected as hereinafter provided.

*Fourth.* To levy and collect taxes upon all property, real and personal, within the limits of said corporation, not exceeding one-half per cent. per annum upon the assessed value thereof, and may enforce payment thereof in the manner hereinafter provided.

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



of the same, and to prohibit the indecent exhibition of horses or other animals.

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

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

*Eighth.* To establish and maintain a public pound, and appoint a pound master and prescribe his duties.

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

*Tenth.* To license, regulate, suppress and prohibit all exhibitions of common showmen, shows of every kind, caravans, circuses, and exhibitions and amusements.

*Eleventh.* To prevent, suppress and prohibit any riot, affray, disturbance or disorderly assemblages, assaults, assaults and batteries, or disorderly conduct, or shooting within the limits of said town.

*Twelfth.* To abate and remove nuisances, and punish the authors thereof, and to define and declare what shall be deemed nuisances, and authorize and direct the summary abatement thereof.

*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 outer limits thereof.

*Fourteenth.* To regulate the storage of gunpowder and other combustible materials.

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

*Sixteenth.* To provide the town with water for the extinguishment of fires, and for the convenience of the inhabitants.

*Seventeenth.* To provide for inclosing, improving and regulating all public grounds, and other lands belonging to said town.

*Eighteenth.* To provide for erecting all needful buildings for the use of said town.

*Nineteenth.* To make all necessary regulations to secure the general health of the inhabitants thereof.

*Twentieth.* To license the selling, exchanging and traffic of any wine, rum, gin, brandy, whisky, beer or other intoxicating liquors within the limits of said town, and the county court is hereby prohibited from licensing a grocery in said town, or within one-half mile of the same.

*Twenty-first.* To appropriate and provide for the payment of any debt or expenses of the town, and to fix the compensation of town officers.

Ordinances.

*Twenty-second.* To make all ordinances which shall be necessary and proper for carrying into execution the powers specified in this act, or which they may deem 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 and assaults and batteries, riots or affrays, shall any such fines or penalties exceed the sum of fifty dollars for any one offense.

Proviso.

Officers.

*Twenty-third.* That the president and trustees of said town shall have power to appoint a town constable for said town, also to appoint a clerk, treasurer, street commissioner, board of health, and all other officers that may be necessary, and to prescribe their duties, and may require bonds from the several officers for the faithful discharge of their duties, and may remove any of said officers from office. The president and trustees shall require their clerk, and it shall be his duty, to make and keep a full and faithful record of all their proceedings, by-laws, 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 Virden, shall be received in all courts without further proof, as evidence of all such matters contained therein; and all ordinances, before taking effect, shall be published at least ten days in a newspaper published in said town, or by posting up copies of the same in three public places in said town; and the certificate of the clerk shall be conclusive evidence of their publication.

Record of acts.

*Twenty-fourth.* To prevent and prohibit the dangerous construction and condition of chimneys, flues, fire-places, stove pipes, ovens, or any other apparatus used in or about any building or manufactory, and 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.

*Twenty-fifth.* To establish and erect markets and market houses, and other public buildings of said town, and provide for the government and regulation thereof, and their erection and location, and to authorize their erection in the streets and avenues of the town.

*Twenty-sixth.* To prevent the incumbering of streets, alleys, sidewalks or public grounds with carriages, wagons, carts, wheelbarrows, boxes, lumber, timber, firewood, posts, awnings, signs, or any other substance or material whatever; to compel all persons to keep snow, ice, dirt and other rub-

bish from the sidewalks and street gutters in front of the premises occupied by them.

*Twenty-seventh.* To license, tax and regulate billiard tables, ten pin alleys and ball alleys; to suppress and restrain disorderly houses, tippling houses, bawdy houses, gaming and gambling houses, lotteries and all fraudulent devices and practices, and all playing of cards, dice and other games of chance.

*Twenty-eighth.* To regulate the burial of the dead; to establish and regulate one or more cemeteries; to regulate the registration of births and deaths; to direct the returning and keeping of bills of mortality, and to impose penalties on physicians and sextons and others for any default in the premises.

*Twenty-ninth.* To provide for taking an enumeration of the inhabitants of the town.

*Thirtieth.* To regulate, prevent and prohibit the use of fire works and fire arms.

*Thirty-first.* To prevent the deposit of ashes in unsafe places, and to appoint one or more officers to enter all buildings and inclosures, to examine and discover whether the same are in a dangerous state, and to cause such as may be dangerous to be put in safe condition.

*Thirty-second.* 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.

*Thirty-third.* To regulate and prevent the carrying on of manufactories and works dangerous in promoting and causing fires.

§ 12. The inhabitants of said town are hereby exempt from working upon any road or highway beyond the limits in this act expressed, and from paying tax in lieu thereof, without said limits. Street labor.

§ 13. All fines, forfeitures and penalties collected for offences 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. Fines.

§ 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 Police  
strate.      magis-



Jurisdiction of  
justice

county clerk of said county of Macoupin, 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 have a session of his court on every Monday, for the trial of causes, 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

Town constable.

Virden 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 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 a bond in the sum of five hundred dollars, conditioned as other constables' bonds, payable to the town of Virden, 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 an other officer in said county than the police magistrate of said town, without first entering into bond as such constable, to be approved by the county

Powers.

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 Virden, 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, 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, misconduct or partiality in the discharge of the duties of his office, he shall be liable to be indicted in the circuit court of Macoupin 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 Macoupin county, as are allowed by law to be taken from justices of the peace. In case of the absence or inability of the town constable or his deputy to act, the police magistrate may appoint a special constable to serve any

Fines and forfeitures.

Malfeasance in office.

## Ordinances

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 Trustees of the Town of Virden.*" All writs and processes 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 Virden.

## ASSESSMENT.

## Assessment roll.

The assessor shall prepare an assessment roll, with the following caption, in substance: "An assessment roll of all the real and personal property within the limits of the town of Virden, made by the assessor of said town, for the year 18. .," and shall set down in separate columns,

*First.* The names of all the owners, if known, of the real estate within the limits of said town. If the owner is unknown it shall be so stated.

*Second.* The description of the real estate, opposite the name of the owner or the word "unknown."

*Third.* The value of the real estate, opposite the descriptions. Said assessment roll shall also contain, in parallel columns,

*First.* The names of the owners of personal property subject to taxation, in alphabetical order,

*Second.* The assessed value of the personal property taxed to each individual.

## Change of assessment.

After the said assessment roll shall have been thus completed, the assessor shall attach his certificate to said roll, certifying that said roll is true and correct, according to his best information; and said roll so certified shall, on or before the first Monday in July of each year, be returned to the board of trustees in session, or to the president. Previous to the first Monday in August of each year, the said assessment roll may be inspected by any persons interested in the same. At the regular meeting of the board, on the first Monday in August of each year, and not afterwards, the said board shall hear the application of any person who may consider himself aggrieved by the said assessment, and on being satisfied of any error therein, they may correct the same. On the return of the said assessment roll to the president or board, the town clerk shall cause to be posted in three public places in said town, written or printed notices that the assessment has been returned and is ready for inspection, and also of the time when application may be made for reviewing the same. Immediately after the first Monday in August of each year the town clerk shall make out a true copy of the assessment, to which, after being satisfied that the same is a true copy as above, the board of



trustees shall annex a warrant, signed by the president, requiring the collector to collect from the several persons the several amounts of taxes set opposite their respective names, and pay the same to the treasurer of the town; and the said collector shall thereupon attend at some place in said town for the purpose of receiving taxes, giving ten days' notice of such place and the day on which he will attend for the purpose aforesaid; and if any resident of said town shall neglect to pay his tax on the day mentioned in such notice, the collector shall proceed to levy the same of the goods and chattels of said resident, and after giving ten days' notice of the time and place of sale, by posting up a notice thereof in three public places in said town, shall sell as many of said goods and chattels as may be necessary to make the amount of tax and costs. 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 first Monday in October after the date thereof, at which time the collector shall return said warrant and tax list to the clerk of the town, and pay over all money by him collected to the treasurer, and take his receipt therefor. In the returns to said warrant the collector shall give a list of the names of the persons whose tax upon personal property he has been unable to collect on account of not finding goods and chattels whereon to levy the value of the property assessed and the amount of tax thereon, and state in said return that he has been unable to collect the tax; and the 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 and chattels whereon to levy and collect the same; and the board of trustees may credit him with the amount. The said list shall be evidence of the taxes and cost due on any real estate in said town, and whenever any person owning real estate in said town shall fail to pay the same on or before the first Monday in October of any year, the town collector, assisted by the town clerk, shall thereupon proceed to sell said real estate at the door of the postoffice in said town, between the hours of ten o'clock in the forenoon and four o'clock in the afternoon, for the taxes, interest and cost due thereon, having previously given thirty days' notice of the time and place of sale by posting up notices in three of the most public places in said town, containing a list and description of

Collection of tax

Sales for taxes.

Delinquent tax lists.

Sale of real estate for tax.

- Tax redemption. said delinquent real estate. When any lots or real estate shall have been sold for taxes as aforesaid, the same shall be subject to redemption in the time and on the terms now provided or hereafter to be provided by the revenue laws of this state for the redemption of real estate sold for state and county taxes; but should the real estate so sold for taxes not be redeemed in the time and manner provided by law, and if the purchaser, or other person for him, shall have paid all taxes with which such real estate or lots shall have been charged, up to the time when the right of redemption shall expire, then and in that case it shall be the duty of the president of the board of trustees to execute to the purchaser or purchasers a deed therefor, signed by the president and countersigned by the clerk of the board of trustees. The aforesaid deed shall have the same force and effect as deeds made by county collectors of this state for delinquent lands sold for state and county taxes. In the event the owner or owners of real estate against which assessments have been made, under the provisions of the third clause of section eleven of this act, shall refuse to make payment of such assessment, the board of trustees shall require the town constable to proceed against such real estate and make sale thereof, in the same manner as against real estate for taxes in this act provided. This act is hereby declared to be a public act, and may be read in evidence in all the courts of this state without proof. The president and board of trustees shall have power to borrow money and pledge the revenue of the town for the payment thereof: *Provided*, that no sum or sums of money shall be borrowed at a greater rate of interest than ten per cent., per annum: *And, provided, further*, that no money shall ever be borrowed by the board of trustees unless the ordinance therefor shall first be submitted and voted for by a majority of the voters voting at an election for that purpose. The town constable or his deputy shall have power to arrest or cause to be arrested, with or without process, upon view or information, all persons who shall break the peace, or threaten to break the peace, or be found violating any ordinance of said town, and may hold such persons for examination, or detain them in the county jail, or other safe place, for the space of thirty-six hours, and until they can be brought before the police magistrate. No person shall be incompetent to serve as a witness or juror in any suit where the town of Virden is a party, by reason of his being an inhabitant of said town.
- Tax deeds.
- Borrow money.
- Arrests.
- Ordinances.
- Vote on charter.

ted. All property, real or personal, heretofore belonging to the president and trustees of the town of Virden, 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. An election shall be held in said town, (5) (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 prescribed 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 this charter 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.

APPROVED February 16, 1865.

AN ACT to amend an act to incorporate the town of Washington.

In force Feb. 16,  
1865.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That there shall be elected by the legal voters of the town of Washington, Tazewell county, state of Illinois, at the next regular election of trustees, and every four years thereafter, one police magistrate and one town constable. No person shall hold the office of police magistrate or town constable who has not arrived at the age of twenty-one years and who has not resided in said town one year next preceding his election, and who is not at the time thereof a *bona fide* freeholder in said town, and moreover, who has not paid a state or county tax. No person shall be allowed to vote for trustees, police magistrate or town constable, who is not a legal voter for state and county officers, and who has not resided in said town for six months next preceding the election. In case of a vacancy in the office of police magistrate or town constable, occasioned by death, resignation, or otherwise, such vacancy shall be filled by election, the town clerk having first given ten days' notice of the time and place of holding such election, by posting up written or printed notices in at least three of the most public places in said town.

Police magistrate  
and constable.

Vacancy, how  
filled.

§ 2. Said police magistrate, when elected, shall be commissioned and qualified in the same manner as justices of the peace, and shall have the same jurisdiction, powers and emoluments as justices of the peace in Tazewell county, state of Illinois, and shall have jurisdiction in all cases arising under the charter and ordinances of said town, and

Jurisdiction of  
magistrate.



for any breach thereof, where the amount claimed shall not exceed one hundred dollars, and to hear and determine all complaints, suits and prosecutions mentioned and described in section seventeen, in chapter fifty-nine of the Revised Statutes of 1845, entitled "Justices of the Peace and Constables," where the amount claimed does not exceed one hundred dollars, and to hear and determine all complaints and proceedings in suits in which the action of debt, assumpsit, trover, replevin, or trespass on personal property will lie, where the amount does not exceed one hundred dollars; said police magistrate shall be entitled to the same fees as justices of the peace for like services, and to be collected in the same manner. The rules of practice and proceedings before such police magistrate shall be the same as before justices of the peace, except in cases where the said rules and practice shall be regulated by ordinances passed by the trustees of said town.

Appeals.

§ 3. Appeals shall be allowed, in all cases, from the decision of said police magistrate, to be applied for and taken in the same manner as appeals are taken from justices of the peace.

Duties of constable.

§ 4. The town constable shall be authorized to execute, anywhere in the county of Tazewell, any writ, precept, process or order issued or made by said police magistrate, or by any justice of the peace: *Provided*, that said constable shall have the right to follow and arrest, with a writ, anywhere in the state, any person who is charged with a criminal offense: *Provided, further*, that any other constable may execute any writ, process or order issued by said police magistrate; and said town constable shall have the same fees as other constables.

Proviso.

Proviso 2.

§ 5. That the jurisdiction of said police justice of the peace shall not extend to more than one hundred dollars, except in cases of fines and penalties under the ordinances of said town.

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

APPROVED February 16, 1865.

In force Feb. 10,  
1865.

AN ACT to amend an act to incorporate the town of Washington.

Constable and  
magistrate.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That there shall be elected by the legal voters of the town of Washington, in Tazewell county, state of Illinois, at the next regular election of trustees, and every four years thereafter, one police magistrate and one town constable. No person shall

be elected police magistrate or town constable who has not arrived at the age of twenty-one years, and who has not resided in said town one year next preceding his election, and who is not at the time thereof a *bona fide* freeholder in said town, and moreover, who has not paid a state or county tax. No person shall be allowed to vote for trustees, police magistrate or town constable who is not a legal voter for state and county officers, and who has not resided in said town six months next preceding the election. In case of a vacancy, how filled.

§ 2. Said police magistrate, when elected, shall be commissioned and qualified in the same manner as justices of the peace are, and shall have the same jurisdiction, powers and emoluments as justices of the peace in Tazewell county, and shall have jurisdiction in all cases arising under the charter and ordinances of said town of Washington, and for any breach thereof, where the amount claimed shall not exceed one hundred dollars, and to hear and determine all complaints, suits and proceedings mentioned and described in section seventeen, in chapter fifty-nine of the Revised Statutes of 1845, entitled "Justices of the Peace and Constables," where the amount claimed does not exceed one hundred dollars, and to hear and determine all complaints and proceedings in suits in which the action of debt, assumpsit, trover, replevin, or trespass upon personal property will lie, where the amount claimed does not exceed one hundred dollars. Said police magistrate shall be entitled to the same fees as justice of the peace for like services, and to be collected in the same manner. The rules and practice and proceedings before such police magistrate shall be the same as before justices of the peace, except in cases where the said rules and practice shall be changed by ordinances passed by the trustees of said town. Jurisdiction of magistrate.

§ 3. Appeals shall be allowed in all cases from the decision of said police magistrate, to be applied for and taken in the same manner as appeals are taken from justices of the peace. Appeals.

§ 4. The town constable shall be authorized to execute, anywhere in the county of Tazewell, any writ, precept, or process or order issued or made by said police magistrate, or by any justice of the peace: *Provided*, that said constable shall have the right to follow and arrest, with a writ, anywhere in the state, any person who is charged with a criminal offense: *Provided, further*, that any other constable may execute any writ, process or order issued by said police magistrate; Duty of constable. Proviso. Proviso 2.

and said town constable shall have the same fees as other constables.

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

APPROVED February 10, 1865.

In force Feb. 16, 1865. AN ACT to more clearly define the limits of the town of Watseka, in the county of Iroquois.

Boundaries.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That whereas the board of supervisors of the county of Iroquois did heretofore change the name of the town of South Middleport to the town of Watseka, said order of said board, so changing the name of said town, is hereby defined and declared to embrace South Middleport and Stanley's addition thereto, as laid out and platted, on the entire southeast quarter of section thirty-two, township twenty-seven north, range twelve west, in said county of Iroquois.

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

APPROVED February 16, 1865.

In force Feb. 15, 1865. AN ACT to incorporate the town of Wheaton, DuPage county, Illinois.

#### ARTICLE I.

Name and style.

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

§ 2. The inhabitants of said town, by the name and style aforesaid, shall have power to sue and be sued, to plead and be impleaded, 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, beyond the limits of said town, for burial grounds and other public purposes; to sell, lease and convey property, real and per-



sonal, for the use of said town, and to protect and improve any such property as the public good may require.

§ 3. The boundaries of said town shall be all of section sixteen, (16,) and the south-east quarter and the south half of the north-east quarter of section seventeen, (17,) and the south half of the south half of section nine, (9,) and the south-west quarter of the south-west quarter of section ten, (10,) and the west half of the north-east quarter and the north-west quarter of the south-west quarter of section fifteen, (15,) and whenever any tract of land adjoining said town is laid off in town lots and recorded, the same may be attached to form a 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, who shall hold their offices for one year, and until their successors are elected and qualified. Trustees.

§ 2. No person shall be a member of the town council unless he be an actual resident of the town at the time of his election, and a legal voter.

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

§ 4. The town council shall appoint, annually, three legal voters of the town, whose duty it shall be to act as judges of election, and shall appoint their own president, and shall judge of the qualifications and returns of its own members, and shall determine all contested elections in such manner as may be prescribed by ordinance. Judges of election.

§ 5. A majority of the town council shall constitute a quorum to do business, but a smaller number may adjourn from day to day, and compel the attendance of absent members, under such fines and penalties as may be prescribed by ordinance, and shall have power to determine the rules of their own proceedings, punish a member for disorderly conduct, and with a concurrence of three-fifths of their number, expel a member. Quorum.

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

§ 7. Each and every member of the town council, before entering upon the duties of his office, shall take and subscribe an oath before a justice of the peace in said county, that he will support the constitution of the United States and of this state, and that he will faithfully perform the duties of his office according to the best of his ability; and there shall be at least one regular meeting of said council in Oath to be taken

each month, at such times and places as may be designated by ordinance.

Tie vote.

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

### ARTICLE III.

Annual election.

§ 1. On the first Monday of April next an election shall be held in said town of Wheaton, for the election of the five members of the town council, and Jesse C. Wheaton, Laton Collar and Leonard Pratt, shall be the judges of the first election for said council, and forever thereafter on the first Monday of April of each year, an election shall be held for said officers.

Justices of the peace.

§ 2. On the first Monday of April next, and on the first Monday of April, biennially, forever thereafter an election shall be held in said town of Wheaton for the election of a justice of the peace and constable for said town, who shall hold their offices for four years, and until their successors are elected and qualified.

Election precinct.

§ 3. For the election of a justice of the peace and a constable, the said town of Wheaton, as herein defined, or as may hereafter be extended or limited by ordinance, shall constitute an election precinct; and the first election of said officers shall be held on the first Monday of April, and conducted and returns thereof made as is now provided for the election of the five members of the council for said town.

Legal voters.

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

### ARTICLE IV.

#### OF THE TOWN COUNCIL.

Powers of council.

§ 1. The town council shall have the power and authority to levy and 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 and street commissioner, and all

such other officers as may be by them 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 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 town council.

§ 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; to declare what shall be considered a nuisance, and to prevent and remove or abolish the same.

§ 5. To open, abolish, widen, alter, 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.

§ 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.

§ 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 the enumeration of the inhabitants of said town; to regulate the fixing of chimneys and the fines thereof; and to regulate the storage of tar, pitch, rosin, gun-powder, or other combustible materials.

§ 11. To license, tax and regulate auctioneers, merchants, retailers, grocers, taverns, eating houses, peddlers, brokers and money changers; but shall have no power to license the sale of intoxicating drinks, contrary to or inconsistent with any law of this state.

§ 12. To prohibit the sale of distilled and regulate the sale of 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 one mile of the limits thereof.

§ 13. To license and regulate theatrical and other exhibitions, shows and amusements; to provide for the trial and



punishment of persons who engage 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 holding an office created by an ordinance.

§ 15. To fix the fees and compensation of town officers, jurors, witnesses and others, for services rendered under the provisions of this act.

§ 16. To prevent the incumbering of the streets, squares, lanes and alleys of said town; to regulate the setting and protect shade trees; to compel persons to fasten horses, mules and other animals attached to vehicles, while standing upon any street, alley, lane or uninclosed lot in said town; to prevent the running at large of horses, cattle, sheep, hogs and other animals, and to provide for the impounding and distraining the same, and to provide for the sale of the same for any penalty incurred, and to impose penalty or penalties upon the owner of any such animals for the violation of any ordinance in relation thereto.

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

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

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

§ 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.

Ordinances

§ 21. The town council shall have the 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 the ordinances are not repugnant to or inconsistent with the constitution of the United States or of this state.

Notice of ordinances.

§ 22. The style of the ordinances of the town shall be, "*Be it ordained by the Town Council of the Town of Wheaton,*" and all ordinances shall, within one month after they are passed, be published in some newspaper published in said town, or made known by posting copies of the same in four 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.

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

Proof of ordi-  
nances.

## ARTICLE V.

### OF THE PRESIDENT.

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

Duty of presi-  
dent.

§ 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 or willful neglect of duty to be punished. He shall have power and authority to call on all male inhabitants of said town over the age of eighteen years to aid in enforcing the law and ordinances; and any person who shall fail or refuse to obey such call shall forfeit and pay to 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.

§ 5. He shall be, *ex officio*, a member of the board of supervisors of DuPage county, and shall have all the rights, privileges and powers enjoyed by any other member of said board, and receive the same compensation for the same service.

## 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 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

Jurisdiction of  
justice.

section two of article two hereof, and who shall give bond and qualify in all respects as the justices of the peace are required by law to do.

§ 2. He shall be a conservator of the peace for said town, and he shall have exclusive jurisdiction in all cases arising out of or under the ordinances of the corporation, and shall receive the same fees and compensation allowed for similar services under the laws of this state to other justices of the peace, and for any willful, corrupt malconduct, oppression or partiality, or palpable omission of duty in his said office, may be indicted in the circuit court of DuPage 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.

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 DuPage, and he 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.

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

§ 6. He shall, *ex officio*, be collector for said town, and shall give such bonds as the laws of this state require.

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

Venue and appeals.

§ 8. In all cases arising under the ordinances of said town, changes of venue and appeals shall be allowed as in other cases before justices of the peace; and the said corporation shall be allowed to appeal in any case in which they are parties, by causing their secretary or clerk to execute a bond, in the name of the corporation, in the form now or



which may hereafter be furnished by law in other cases, without other security, and an order entered upon the records of said corporation, directing said appeal, shall be sufficient evidence of the authority of said security to sign said bond.

#### ARTICLE VII.

§ 1. Whenever it shall be necessary to take private property for opening or altering any public street or alley in said town, the corporation shall make just compensation to the owner or owners of said property, and pay or tender the same before opening the same; 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.

Private property  
for streets.

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

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

Benefits and  
damages.

§ 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 respecting fronts, for the purpose of grading, paving or otherwise, the sidewalks on said street or part of a street.

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.

Sidewalks.

#### ARTICLE VIII.

##### MISCELLANEOUS PROVISIONS.

§ 1. The inhabitants of the town of Wheaton 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 roads, highways and bridges in said town, shall be held and exercised by the town council by this act provided for.

Road labor.

Street labor.

§ 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 and 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 two dollars to said town for each and every day so neglected and refused.

Punishment of offenders.

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

§ 4. All suits for fines or penalties in and for the violation of any ordinance, shall be in the name of the town of Wheaton, 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 any suit, or during the pendency thereof, any security for costs.

Ordinances in force.

§ 6. All ordinances and resolutions passed by the president and trustees of the town of Wheaton, 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 in and prosecuted by the corporation herein created.

§ 7. All property belonging to the president and trustees of what was formerly the "Town of Wheaton," 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.

Vacancy.

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

§ 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 its passage.

APPROVED February 13, 1865.

AN ACT to amend the charter of the town of Wilmington, in the county of Will, In force Feb. 15, 1865.

WHEREAS the citizens of the town of Wilmington, in the county of Will, and state of Illinois, did, on the twenty-fourth day of June, A. D. 1854, in pursuance of an act of the general assembly, in such cases made and provided, approved March 3, 1845, become duly incorporated under the said act; and, whereas, said town of Wilmington now contains a population of about two thousand persons, and said citizens being desirous to amend their charter so as to extend and secure to themselves further rights and privileges as a body corporate; therefore, Preamble.

#### ARTICLE I.

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

§ 2. All that district of country embraced within the following limits, to wit: sections number twenty-five (25), thirty-six (36), and the east half of sections number twenty-six (26), and thirty-five (35), in township number thirty-three (33) north, of range number nine (9), east of the third principal meridian, in said county of Will, shall comprehend the city of Wilmington. Boundaries.

§ 3. Whenever any tract of land adjoining the city of Wilmington shall be laid out in town lots and duly recorded as required by law, the same shall be annexed to and form a part of the city of Wilmington. Additions.

§ 4. The inhabitants of said city, by the name and style aforesaid, shall have power to sue and be sued, to plead and be impleaded, defend and be defended, in all courts of law and equity, and in all actions whatsoever; to purchase, receive and hold property, real and personal in said city, to purchase, receive and hold property, both real and personal, beyond the city, for burial grounds and for other public purposes, for the use of the inhabitants of said city; to sell, lease and convey or dispose of property, real and personal, for the General powers.



benefit, and to improve and protect said property, and to do all other things in relation thereto as natural persons.

Wards.

§ 5. The said territory described as the city of Wilmington shall in the first instance constitute one ward and one election district, and be entitled to one mayor and six aldermen, who shall constitute the common council; but the said common council shall have power, by ordinance, to divide said city into as many wards as they may think necessary and proper for the convenience of the people. And whenever said common council shall divide said city into wards, as herein provided, then the said common council shall consist of a mayor and two aldermen from each ward, and each ward so formed shall constitute an election district.

## ARTICLE II.

### OFFICERS.

Officers.

§ 1. The officers of the city of Wilmington, in addition to the mayor and aldermen hereinbefore provided for, shall consist of a police magistrate, clerk, treasurer marshal and street commissioner, and all such other officers as they may deem necessary. The mayor, aldermen and police magistrate shall be elected by the legal voters of said city at their regular annual election, and all other officers may be appointed by the common council in such manner and for such time as they may provide by ordinance or by-law.

## ARTICLE III.

### QUALIFICATION OF OFFICERS.

Who may hold office.

§ 1. No person shall be eligible to any of the offices elective by the people unless he shall at the same time be a legal voter in said city, and shall have resided therein at least one year previous to the time of his election.

Term of office.

§ 2. The mayor and aldermen shall respectively hold their offices for the term of two years, and until their successors are elected and qualified: *Provided*, that at the first general election the aldermen elected shall be divided into two classes, by lot, the seats of those of the first class shall be vacated at the end of the first year, and the second class at the end of the second year, so that one-half of the board shall be elected annually.

Election.

§ 3. The city council shall judge of the qualifications of its own officers, and also of the election returns, and shall determine all contested elections.

Quorum.

§ 4. A majority of the city council shall form a quorum to do business, but a smaller number may adjourn from time to time, and compel the attendance of absent members under such penalties as they may prescribe by ordinance or by-law.

§ 5. The city council shall have power to prescribe the rule of its proceedings, punish its members for disorderly conduct or any violation of its rules, and with the concurrence of two-thirds of the members elected, to expel a member. Rules.

§ 6. 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. Record of proceedings.

§ 7. 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.

§ 8. All vacancies which shall occur in the board of aldermen or in the office of police magistrate shall be filled by election. Vacancies.

§ 9. The mayor and each alderman, before entering upon the duties of their respective offices, shall take and subscribe an oath to support the constitution of the United States and of this state, together with the additional oath prescribed by the constitution of this state for officers, and also, that they will well and truly perform the duties of their respective offices according to law and the best of their skill and ability. Oath.

§ 10. Whenever there shall be a tie in the election of mayor, alderman or police magistrate the judges of election shall certify the same to the mayor, who shall determine the same by lot in such way as shall be provided by ordinance. Tie vote.

§ 11. The said common council shall have full power to make all needful ordinances and by-laws to govern themselves and define the duties of the officers to be appointed by them, and to carry into effect all the powers herein granted. By-laws.

§ 12. If any of the officers elective provided for herein shall remove from the city during the term for which they have been elected, the office of the person so removing shall become vacant. Vacancy.

§ 13. Whenever the office of mayor shall be contested, the city council shall determine the same by lot, as shall be prescribed by ordinance or by-law. Contested elections.

#### ARTICLE IV.

##### QUALIFICATIONS OF VOTERS, AND ELECTIONS.

§ 1. All free white male inhabitants over the age of twenty-one years, who shall have resided in the city thirty days previous to any election, and who shall have the qualifications of voters at general elections in the state for state and county officers, shall be entitled to vote at such election: *Provided*, that said voter shall be entitled to vote only in the ward or election district where they actually reside, Legal voters.

and in no other; and that no vote shall be received at any such election unless the person offering such vote shall have been an actual resident of such ward or election district when the same is offered at least ten days next preceeding said election.

First election.

§ 2. The first election for officers of said city shall be held on the third Tuesday in March, A. D. 1865, and on the third Tuesday in March in each and every year thereafter, at such place as the president and trustees of the town of Wilmington, or the common council of said city, may order, and shall be conducted in all respects, as far as the nature of the case will permit, as elections for county and state officers are conducted.

Annual election.

Notice of election.

§ 3. It shall be the duty of the president and trustees of the town of Wilmington to order the first election of said city above provided for, and appoint the place of holding the same, and shall cause notices of such election to be posted in three public places in said town at least ten days previous to the day of such election.

Records of town.

§ 4. The board of aldermen elected at such election shall be successors to the president and trustees of the town of Wilmington, and shall receive from the said president and trustees all the books, papers, moneys and other property of every kind and description whatever belonging to said town, and receipt for the same.

## ARTICLE V.

### TAXATION.

Annual tax.

§ 1. The common council shall have power within the city, by ordinance:

*First.* To annually levy and collect taxes, not exceeding three and one half mills on the dollar on the assessed value of all real and personal estate in the city made taxable by the laws of the state, to defray the contingent expenses and other expenses of the city not herein otherwise provided for, which taxes shall constitute the general fund of the city.

Interest tax.

*Second.* To annually levy and collect on the real and personal property of the city a tax not exceeding one-half mill on the dollar, to meet the interest accruing on the bonded debt of the city.

Proviso.

§ 2. *First.* For the erection of a city hall, markets, hospitals, bridewell, bridges, or work house, the purchase of the market grounds, public squares and parks, or any other improvement: *Provided*, the estimated cost of the city hall or bridewell may be apportioned by the common council and collected by a series of annual assessments: *Provided*, that no tax or taxes shall be levied in any one year under this section which shall exceed two per cent. upon the value of the property assessed, for either or all of the purposes herein specified: *Provided, further*, that no improvement

Proviso 2.

Proviso 3.



under this section shall be made unless a majority of all the aldermen elected in said city shall vote in favor of the same; said vote being taken by ayes and nays: *Provided, further*, that the common council may negotiate a loan for the purpose of building a market house in said city, and apply the revenue therefrom towards paying the interest on such loan and liquidating the principal; but should the net revenue from such market be insufficient to pay such interest and principal when the same shall respectively become due, the common council shall levy and collect a tax upon the real and personal property of the city to supply the deficiency of such interest or principal, or both.

*Second.* To require (and it is hereby made the duty of) Street labor. every male resident of the city, over the age of twenty-one years and under the age of sixty years, to labor three days in each year upon the streets and alleys, but every person may, at his option, pay at the rate of seventy-five cents per day for each and every day he shall be so bound to labor: *Provided*, that the same shall be paid on or before the first Proviso. day of the three days upon which he may be notified to labor by the street commissioner; in default of payment as aforesaid, the sum of three dollars may be collected, and no offset shall be allowed in any suit brought to recover the same. Street taxes shall be expended in the several wards where the persons paying the same shall severally reside.

## ARTICLE VI.

### OF THE COMMON COUNCIL—ITS GENERAL POWERS AND DUTIES.

§ 1. The mayor and aldermen shall constitute the com- Common council mon council of said city. The council shall meet at such times and places as they by resolution or ordinance prescribe. The mayor, when present, shall preside at all meetings of the common council, and shall have only a casting vote. In his absence, any one of the aldermen may be appointed to preside. A majority of the members elected as Quorum. aldermen shall constitute a quorum.

§ 2. No member of the common council shall, during the period for which he was elected, receive any compensation for his services, or be appointed to or be competent to hold any office of which the emoluments are paid from the city treasury, or paid by or directed to be paid by any act or ordinance of the common council, or be, directly or indirectly, interested in any contract, the expenses or consideration whereof are to be paid under any ordinance of the common council. No compensation to members.

§ 3. The common council shall hold stated meetings, Special meetings and the mayor or any two aldermen may call special meetings of the common council by written notices to each of the members of said council, served personally or left at their places of abode. Petitions and remonstrances may be

presented to the common council, and the common council shall determine the rules of its own proceedings and be the judge of the election and qualification of its own members, and have power to compel the attendance of its absent members and any of the officers of the city.

Powers of town council.

§ 4. The common council shall have the management, disposition and control of the finances and all the property, real and personal and mixed, belonging to the corporation, and shall likewise have the power, within the jurisdiction or limits of the city, by ordinance,

*First.* To prevent and punish forstalling, regrating, and to prevent and restrain every kind of fraudulent device and practice.

*Second.* To restrain and prohibit all descriptions of games and fraudulent devices, and all playing of dice, cards and other games of chance, with or without betting.

*Third.* To regulate the selling and giving away of ardent spirits by any shop keeper, trader or grocer, to be drank in any shop, store or grocery, out-house, yard, or other place within the city except to those duly licensed.

*Fourth.* To prohibit the selling or giving away of ardent spirits or other intoxicating liquors to any child, apprentice or servant, without the consent of his or her parents, guardian, master or mistress.

*Fifth.* To license, regulate and restrain or prohibit, if they shall deem advisable, tavern keepers, grocers and keepers of ordinaries, or victualing or other houses or places, in selling or giving away wines and other liquors, whether ardent, vinous or fermented.

*Sixth.* To license, tax, regulate, suppress and prohibit billiard tables, nine or ten pin alleys, or ball alleys.

*Seventh.* To license, regulate and suppress hackmen, draymen, carters, porters, omnibus drivers, cabmen, packers, carmen, and all others who may pursue like occupation, with or without vehicles, and prescribe their compensation.

*Eighth.* To tax, license and regulate auctioneers, distillers, brewers, and pawnbrokers, and to impose duties upon the sale of goods at auction.

*Ninth.* To license, tax, regulate and suppress hawkers and peddlers.

*Tenth.* To regulate, license, suppress and prohibit all exhibitions of common showmen, shows of every kind, concerts, or other musical entertainments by itinerant persons or companies, exhibitions of natural or artificial curiosities, caravans, circuses, theatrical performances, and all other exhibitions or amusements.

*Eleventh.* To authorize the mayor, or other proper officer of the city, to grant and issue licenses, and direct the manner of issuing and registering thereof, and the fees to be paid therefor: *Provided*, that no license shall be granted for more than one year, and not less than five for nor more than five hun-

dred dollars shall be required to be paid for any license under this act, and the fee for issuing any such license shall not exceed one dollar; but no license for the sale of wines or other liquors, ardent, vinous or fermented, at wholesale or at retail, or by inn-keepers, or others, as aforesaid, shall be granted for a less sum than fifty dollars; bond shall be taken for the granting of such license, for the due observance of the ordinances or the regulations of the common council.

*Twelfth.* To prevent any riot or noise, disturbance or disorderly assemblage.

*Thirteenth.* To suppress and restrain disorderly houses, gambling houses and groceries, houses of ill-fame, billiard tables, nine or ten pin alleys or tables, and ball alleys, and to authorize the destruction and demolition of all instruments and devices used for the purpose of gaming.

*Fourteenth.* To compel the owner or owners of any grocery, cellar, tallow chandler shop, soap factory, tannery, distillery, stable, barn, privy, sewer, or other unwholesome or nauseous house or place, to cleanse, remove or abate the same, from time to time, as often as may be necessary for the health, comfort and convenience of the inhabitants of said city.

*Fifteenth.* To direct the location and management of and regulate breweries, tanneries and packing houses, and to direct the location, management and construction of, and regulate, restrain, abate and prohibit within the city, distilleries, slaughter houses, establishments for rendering or steaming tallow, offal, and such other substances as can or may be rendered, and establishments or places where any nauseous or offensive or unwholesome business may be carried on.

*Sixteenth.* To establish and regulate markets and other public buildings and provide for their erection, determine their location, and authorize their erection in the streets or avenues or upon the public grounds of the city.

*Seventeenth.* To regulate and license or prohibit butchers, and to revoke their licenses for malconduct in the course of trade or business, and to regulate, license and restrain the sale of fresh meats and vegetables within the city, and restrain and punish the forestalling of poultry, fruit and eggs.

*Eighteenth.* To direct and prohibit the location and management of houses for the storing of gunpowder and other combustible and dangerous materials within the city.

*Nineteenth.* To regulate the keeping and conveying of gunpowder and other combustible and dangerous materials, and the use of candles and lights in barns, stables and out-houses.

*Twentieth.* To prevent horse racing, immoderate riding or driving in the streets, and to authorize persons immoderately riding or driving, as aforesaid, to be stopped by any person, and to punish and prohibit the abuse of animals; to



compel persons to fasten their horses, oxen or other animals attached to vehicles or otherwise, while standing or remaining in the streets or alleys or any place within the limits of the corporation.

*Twenty-first.* To prevent the incumbering or obstructing of sidewalks, streets, lanes, alleys, avenues, public grounds with carriages, carts, sleighs, sleds, wagons, wheelbarrows, boxes, lumber, timber, firewood, posts, awnings, signs, or any other substance or materials whatever.

*Twenty-second.* To regulate and determine the times and places of bathing and swimming in the canals, rivers, or other waters in and adjoining said city; and to prevent lewd and obscene or indecent exhibitions, exposure or misconduct, or the use of obscene or indecent language.

*Twenty-third.* To restrain and punish vagrants, mendicants, street beggars and prostitutes.

*Twenty-fourth.* To restrain and regulate or prohibit the running at large of cattle, horses, swine, sheep, goats, geese, turkeys, or other animals or fowls, and to authorize the impounding and sale of the same for the penalty incurred and the costs of the proceedings, and also to impose penalties on the owners of any such animals or fowls for a violation of any ordinance in relation thereto.

*Twenty-fifth.* To prevent and regulate the running at large of dogs, and to authorize the destruction of the same when at large contrary to ordinance.

*Twenty-sixth.* To prevent and regulate the rolling of hoops, playing of ball, flying of kites, or any amusement or practice having a tendency to annoy persons passing on the streets or sidewalks or to frighten teams or horses.

*Twenty-seventh.* To make regulations to prevent the introduction of contagious diseases into the city; to make quarantine laws and enforce the same within the city and not exceeding five miles beyond the city bounds.

*Twenty-eighth.* To have exclusive power over the streets and alleys, and to remove and abate any obstructions and encroachments therein.

*Twenty-ninth.* To compel all persons to keep the snow, ice and dirt from the sidewalks in front of the premises owned or occupied by them.

*Thirtieth.* To prevent the ringing of bells, blowing of horns and bugles, beating of drums, crying of goods, and other noises, and performances and devices tending to the collection of persons on the streets or sidewalks by auctioneers or others, for the purpose of business, amusement, or otherwise.

*Thirty-first.* To abate and remove nuisances and punish the authors thereof by penalties, fines and imprisonment, and to define and declare what shall be deemed nuisances, and authorize and direct the summary abatement thereof.

*Thirty-second.* To license, regulate and restrain runners for boats, stages, hacks, omnibuses, cars and public houses.

*Thirty-third.* To regulate the burial of the dead and the registration of births and deaths; to direct the returning and keeping bills of mortality, and to impose penalties on physicians, sextons and others for any default in relation thereto.

*Thirty-fourth.* To regulate the measuring and inspection of wood, lumber, shingles, timber, posts, staves and heading, and all building materials, and to appoint one or more inspectors.

*Thirty-fifth.* To regulate the weighing and place and manner of storing and selling hay.

*Thirty-sixth.* To regulate the weighing and selling of coal, and the place and manner of selling the same.

*Thirty-seventh.* To regulate the inspection of flour, meal, pork, beef, poultry and other provisions and salt, to be sold in barrels, hogsheads and other packages.

*Thirty-eighth.* To regulate the inspection of whisky and other liquors to be sold in barrels, hogsheads and other vessels.

*Thirty-ninth.* To create and regulate the police of said city.

*Fortieth.* To appoint inspectors, weighers, gaugers, and regulate their duties and prescribe their fees.

*Forty-first.* To establish, make and regulate public pumps, wells and cisterns, hydrants and reservoirs; and to prevent the unnecessary waste of water.

*Forty-second.* To establish and regulate public pounds.

*Forty-third.* To erect lamps, and regulate the lighting thereof; and from time to time, create, alter and extend lamp district.

*Forty-fourth.* To erect and establish bridewells or houses of correction; pass all the necessary ordinances for the regulation thereof, and appoint a keeper and as many assistants as may be necessary. In the bridewell or house of correction, may be confined all vagrants, stragglers, idle or disorderly persons, who may be committed thereto by the mayor or any alderman, justice of the peace, police magistrate, or other conservator of the peace; and all persons sentenced by any criminal court or magistrate, for any assault and battery, petit larceny, or other misdemeanor punishable by imprisonment in the county jail, may be kept therein, subject to labor or solitary confinement, or may be required to work on the streets of said city.

*Forty-fifth.* To require every merchant, retailer, trader and dealer in merchandise or property of any description which is sold by measure or weight, to cause their weights or measures to be sealed by the city sealer, and to be subject to his inspection; the standard of which weights and measures shall be conformable to those now established by law.

*Forty-sixth.* To exclusively erect and construct, or permit, cause, procure to be erected and constructed, necessary bridges within the jurisdiction of said corporation, and to keep the same in repair: *Provided*, that the expense of erecting, constructing and repairing the bridge across the Kankakee river, from the west side of the island, shall be borne by the whole township of Wilmington; but the said common council shall make all needful rules and regulations in respect to crossing said bridge, and shall have power to punish all persons for the violation of any ordinance or regulation made by them for the purpose of preserving said bridge; and to impose and collect a toll from all persons crossing said bridge, except as to the inhabitants of the towns of Wilmington and Reed in the county of Will, and Essex and Norton in the county of Kankakee, which said towns have contributed by tax to the erection of said bridge.

*Forty-seventh.* To exclusively control, regulate, repair, amend and clean the streets and alleys, sidewalks and cross walks, and other public grounds, and open, widen, straighten and vacate streets and alleys, and put drains and sewers therein, and prevent the incumbering of the streets in any manner and protect the same from encroachment or injury.

*Forty-eighth.* To direct and regulate the planting, protecting and preserving of ornamental trees or shrubbery in the streets and public grounds.

*Forty-ninth.* To borrow money, not exceeding five thousand dollars in any one year, and pledge the revenues of the city for its payment and issue bonds therefor.

*Fiftieth.* To fill up, drain, cleanse, alter, relay, repair and regulate any grounds, yards, barns, slips, cellars, private drains, sinks and privies; direct and regulate their construction, and cause the expenses to be assessed and collected in the same manner of sidewalk assessments.

*Fifty-first.* To erect and establish one or more hospitals or dispensaries, and control and regulate the same.

*Fifty-second.* To abate all nuisances which in their opinion are or may be injurious to the public health, comfort and convenience, in any manner they may deem expedient.

*Fifty-third.* To do all acts, and make all regulations, which they deem necessary or expedient for the preservation of health and the suppression of disease.

*Fifty-fourth.* The police magistrate of said city, and all justices of the peace residing therein, shall have jurisdiction in Will county in all actions in which justices of the peace in the state of Illinois have jurisdiction, and in which the amount claimed does not exceed five hundred dollars. The jurisdiction above conferred upon the police magistrate and justices of the peace residing within said city, shall apply as well to cases arising for the violation of the ordinances of said city, as to other cases: *Provided*, that any fine imposed for the violation of an ordinance of said city shall not



be subject to appeal: *And, provided further*, that cases arising under the above proviso, may be taken up on writs of *certiorari*, if done within twenty days, by paying all costs, and the legality of the proceedings had therein, before the police magistrate or justice of the peace examined into; but no new trial shall be had upon the merits. And the circuit court before whom any such case may be taken up as aforesaid, shall proceed without delay, and without any trial upon the merits, to confirm or reverse said judgment, and certify the same back to the magistrate or justice of the peace from whom the same was taken.

*Fifty-fifth.* The style of the ordinances of said city shall be, "*Be it ordained by the City Council of the City of Wilmington.*" Style of ordinances. ordi-

*Fifty-sixth.* All ordinances of said city before they come in force, shall be published ten days, either by posting written or printed notices thereof in three public places in said city, or by one insertion in a newspaper published in said city. Notice of ordinances. ordi-

*Fifty-seventh.* All ordinances of said city may be proven by the seal of the corporation; and when printed or published in book or pamphlet form, purporting to be printed and published by authority of the corporation, the same shall be received in evidence in all places without further proof. Proof of ordinances. ordi-

#### MISCELLANEOUS PROVISIONS.

§ 1. The police magistrate shall be governed in all respects in relation to the rules of practice and proceedings before him, as other justices of the peace in the state, except as to jurisdiction, and except in cases where any person shall be arrested by the police of said city for a violation of any of the ordinances thereof, and brought before the said police magistrate or any justice of the peace residing in said city; in which case trial shall be had in a summary manner, and may be without complaint or process. Duties of town justice.

§ 2. The city marshal, the police constable, and all constables of Will county, are hereby authorized to execute all processes and orders issued, or made by, said police magistrate or justice of the peace in any place within the county of Will; and are further authorized and empowered to arrest, with or without process, any and all persons known to have violated any ordinance or by-law of said city, and take such person before the police magistrate or justice of the peace aforesaid, to be tried for such violation. Duty of marshal.

§ 3. The said common council shall, in all cases, have power to provide for the punishment of offenders in the city or county jail, where such offenders shall fail or refuse to pay the fines or forfeitures which they may be adjudged to Punishment of offenders.

pay, or may require such offenders to work the same out upon the streets and alleys.

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

Bonds of officers § 5. The city treasurer and marshal, and such other officers as the common council may direct, shall, before entering upon the duties of their respective offices give bond and security in such sum as the city common council may direct, conditioned for the faithful performance of their duties respectively, and that they will faithfully account for, and pay over all moneys that may come into their hands by virtue of their said office or offices.

Ordinances. § 6. All ordinances and by-laws of the president and trustees of the town of Wilmington, heretofore passed by them and not repealed, shall be and remain in full force until changed or repealed by the said common council.

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

Act repealed. § 8. All acts, or parts of acts, coming within the provisions of this charter, or contrary or inconsistent with its provisions are hereby repealed.

Actions. § 9. All suits, actions, fines, penalties and forfeitures which have accrued to the president and trustees of the town of Wilmington, shall be vested in and prosecuted by the corporation hereby created.

Acts applicable. § 10. Chapters sixth and seventh of an act entitled "An act to reduce the laws 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 hereby declared to be a part of this act, and shall apply to the said city of Wilmington.

Fire limits. § 11. The said common council shall have power to create limits within which no other but fire proof buildings shall be built.

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

APPROVED February 15, 1865.

In force Feb. 16, 1865. AN ACT to incorporate the town of Windsor, in Shelby 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 Windsor, in the county of Shelby, and state of Illinois, be and they are hereby constituted a*

Name and style.

body politic and corporate, by the name and style of "The City of Windsor," and by that name shall have perpetual succession; may sue and be sued, plead and be impleaded, in all courts of law and equity, and may have and use a common seal, and alter the same at pleasure.

§ 2. The following district of country shall be included Boundaries.  
within the boundaries of said city of Windsor, to-wit: Beginning at the north-east corner of block number one, thence westward to the north-west corner of block number eight, thence southward to the south-west corner of block number fifty, thence eastward to the south-east corner of block number forty-three, thence northward to the place of beginning, containing fifty blocks, according to Huggens' and Ryder's map of Windsor.

§ 3. Any tract of land adjoining said city of Windsor, Additions.  
which has been laid off in town lots, and duly recorded as an addition to the town of Windsor, and any tract which may hereafter be so laid out and duly recorded, shall be annexed to and form a part of the city of Windsor.

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

## ARTICLE II

### OF THE CITY COUNCIL.

§ 1. There shall be a city council, to consist of a Presi- City council.  
dent and four councilmen.

§ 2. The board of councilmen shall be elected by the How elected.  
qualified voters of the city, and shall serve for one year.

§ 3. No person shall be a member of the city council Who may be  
councilmen.  
who is not, at the time of his election, a resident of the city, twenty-one years of age, a citizen of the United States, or who shall not, at the time of his election, be have been a resident of the state twelve months, and be a freeholder in said city.

§ 4. The city council shall judge of the qualifications, Quorum.  
elections and returns of its own members, and shall determine all contested elections, and a majority shall constitute a quorum.

§ 5. The city council shall have power to determine the Rules.  
rules of its proceedings, punish its members for disorderly conduct, and shall keep a complete record of its proceedings,



and the yeas and nays, when demanded by any member, shall be entered on the record.

Vacancies. § 6. All vacancies that may occur in the city council during the year of service, shall be filled by the council.

Officers to be sworn. § 7. The president and council shall take an oath before entering upon the duties of office, that they will well and truly perform the duties of their office to the best of their skill and ability, and such other oath as the constitution and laws of the state may require.

Time and place of meeting. § 8. The council shall meet at such times and places as may be prescribed by ordinance.

### ARTICLE III.

#### OF THE PRESIDENT.

Term of president. § 1. The chief executive officer of the city shall be a president, who shall be elected by the qualified voters of the city, and shall hold his office for four years, and until his successor shall be elected and qualified.

Who may be president. § 2. No person shall be eligible to the office of president who shall not have been a resident of the city for one year next preceding the election, who shall not be at least twenty-five years of age, who shall not be a citizen of the United States, and who shall not be a freeholder of said city.

Vacancy. § 3. Whenever any vacancy shall occur in the office of president, it shall be filled by election, as may be prescribed by ordinance; and in all contests as to the election of president, the council shall decide.

Casting vote. § 4. The president shall preside at all meetings of the council and shall have the casting vote only; and in case of his absence, at any meeting of the council, a chairman, *pro tem.*, shall be appointed by the council.

Special meetings § 5. The president or any two councilmen may call a special meeting.

Power. § 6. The president is hereby authorized to call on all able bodied inhabitants of said city over the age of eighteen years, to aid in the enforcing the laws and ordinances; and any person who shall not obey such call, shall forfeit and pay a fine of not exceeding ten dollars.

Powers of president. § 7. The president shall be a conservator of the peace of said city; shall have power to administer oaths, and to issue writs and process, under the seal of the city; to take depositions, the acknowledgment of deeds, mortgages and other instruments in writing, and certify the same under the seal of the city, which shall be good and valid in law, and he shall receive for such services the same fees as the clerk of the circuit court.

Jurisdiction. § 8. He shall have exclusive jurisdiction in all cases arising under the ordinances of the corporation, and concurrent power and jurisdiction with justices of the peace, in all civil and criminal cases within the county of Shelby,

arising under the laws of this state; and for such services, in such cases, he shall receive the same fees and compensation as justices of the peace.

§ 9. In case the president shall be guilty of a willful and palpable omission of duty, or shall willfully and corruptly be guilty of oppression, mal-conduct or partiality in the discharge of his duties, he shall be liable to indictment in the circuit court of Shelby county, and, upon conviction, shall be fined not exceeding two hundred dollars, and the court shall have power, upon the recommendation of the jury who may try said indictment, to add to the judgment of the court that he be removed from office. Malfeasance of  
president.

§ 10. In all cases before the president, arising by ordinance, or otherwise, appeals shall be allowed to the circuit court of Shelby county, in the same manner as in similar cases before justices of the peace. Appeals.

#### ARTICLE IV.

##### OF THE LEGISLATIVE POWERS OF THE COUNCIL.

§ 1. The city council shall have power to levy and collect taxes upon all property, real and personal, within the limits of the city, not exceeding one-half per centum upon the value thereof, and may enforce the payment thereof, by ordinance, not inconsistent with the constitution and laws of this state; and the term property, as used in this act, shall be construed to mean the same as the word "property," as used in the general revenue laws of this state. Powers of town  
council.

§ 2. The city council shall have power to appoint a clerk, treasurer, assessor, marshal, supervisor of streets, collector and all such officers as may be necessary to carry out the objects of this act, and the by-laws and ordinances passed in pursuance thereof.

§ 3. The city council shall have power to require of all officers appointed in pursuance of this charter, bonds, with sufficient penalty and security; and, also, to take an oath for the faithful discharge of their duties.

§ 4. To appropriate money and provide for the payment of the debts and expenses of the city.

§ 5. To make all necessary regulations to secure the health of the inhabitants; to declare what shall be a nuisance, and to prevent and remove the same.

§ 6. To provide the city with water, and [to erect] hydrants and pumps in the streets, for the convenience of the public.

§ 7. To open, alter, abolish, widen, extend, establish, grade, pave, or otherwise improve and keep in repair, streets, squares, avenues, lanes and alleys.

§ 8. To erect and keep in repair, bridges; to provide for lighting the streets and erecting lamp posts; to establish, maintain and regulate night watches.

§ 9. To establish markets, erect market houses and places, and provide for the government and regulation of the same.

§ 10. To provide for the erection of all needful buildings for the use of city.

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

§ 12. To license, tax and regulate auctioneers, merchants, grocers, retailers, taverns, ordinaries, saloons, hawkers, peddlers and pawn-brokers.

§ 13. To license, tax and regulate hackney carriages, wagons, carts and drays, and fix the rate to be charged for the carriage of persons, and for wagonage, cartage and drayage of property.

§ 14. To license and regulate porters.

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

§ 16. To restrain, prohibit and suppress gaming houses, bawdy and other disorderly houses.

§ 17. To suppress gaming of all kinds.

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

§ 19. To regulate the fixing of chimneys, and to fix the flues thereof.

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

§ 21. To establish standard weights and measures, and regulate the same, to be used in the city, not repugnant to the laws of this state.

§ 22. To provide for the inspection and measurement of lumber and other building materials.

§ 23. To provide for the inspection and weighing of hay, stone coal, and the measurement of charcoal and fire wood.

§ 24. To provide for the inspection of beef, pork, flour, meal, butter, lard and other provisions.

§ 25. To provide for taking the enumeration of the inhabitants of the city.

§ 26. To regulate the size of brick to be used or sold in the city.

§ 27. To regulate the election of city officers, and provide for the removal from office of any person holding an office, by ordinance.

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

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



§ 30. To regulate, suppress and prohibit billiard tables and bowling alleys.

§ 31. The city council shall have power to make all ordinances which shall be necessary and proper to carry into execution and effect the powers specified in this act, and which may be necessary for the good government and general health and improvement of the city, not repugnant to the constitution and laws of this state. Ordinances.

§ 32. The style of the ordinances shall be: "*Be it ordained by the City Council of the City of Windsor.*" Style of ordinances.

§ 33. All moneys collected under any city ordinance shall be deemed and taken to belong to the city, and shall be appropriated and disposed of by the council for the use and benefit of the city. Moneys.

§ 34. All ordinances, within one month after their passage, shall be published in some newspaper in said city, or posted up in four public places thereof, and shall not be in force until five days after such publication or posting. Ordinances, how published.

§ 35. All ordinances of the corporation may be proved by the seal thereof; and when printed in book or pamphlet form, and purporting to be printed by the authority of the corporation, or when shown with the seal of the corporation attached thereto, the same shall be received in evidence in all courts and places, without further proof. Ordinances, how proven.

## ARTICLE V.

### OF PROCEEDINGS IN SPECIAL CASES.

§ 1. When it shall be necessary to take private property for opening, widening, extending or altering any street, lane, avenue or alley, the corporation shall make just compensation therefor; and when the same cannot be agreed upon, the president shall cause a jury of twelve persons, disinterested, and freeholders of the city, to ascertain said compensation; and the person whose property is proposed to be taken shall have ten days' notice of the intention to select the jury aforesaid, and may appear at the office of the president, and exercise the same privilege to challenge as persons can in civil cases in the circuit courts of this state. Private property for streets.

§ 2. In case the person whose property it is proposed to take shall be a non-resident, notice of the selection of said jury, and the object of the said selection, and the time and place when and where the selection will be made, shall be given by publication in some newspaper published in said city or county, at least thirty days before the time of selection; and then the same rights shall be enjoyed as in section one of this article. Notice to non-residents.

§ 3. When the owners of all the property on any street, avenue, lane or alley, shall petition for opening, widening Petition for streets.

or altering the same, the city council may open, widen or alter the same, as may be prescribed by ordinance.

Estimate of pro-  
perty taken.

§ 4. In all cases, in taking private property, as provided in this article, the venire for a jury shall be issued by the president; and the jury shall be first duly sworn, and shall estimate only the value of the property to be taken, and, having determined this, shall return their inquest, under their hands and seals, to the president; and until the value of the land so proposed to be taken shall be paid to the proper person, or, in case of his absence from the city, shall be placed in some safe deposit, the land shall not be appropriated.

Objections, when  
made.

§ 5. When such inquest shall be properly returned, the president shall report the same to the city council; and the clerk of the council shall thereupon give ten days' notice in some newspaper published in said city or county, that the inquest has been returned, and that on a certain day it will be confirmed by the council, if no objections be made to appear. Objections may be heard by the city council, and the hearing may be adjourned from day to day, for that purpose. The council shall have power to confirm or annul the inquest, and, for that purpose, shall make the necessary order on the record, or may order a new inquest, in case of which the same proceedings shall be had as provided in this article.

Special tax

§ 6. Any person interested may appeal from the final order of the city council, to the circuit court of Shelby county, by giving notice, in writing, to the clerk of the council, at any time before the expiration of thirty days from the passage of the final order. In case of appeal, the city clerk shall, within twenty days after notice to him, return all papers connected with said inquest to the clerk of the circuit court. Upon the trial in the circuit court, all questions involved in said proceedings, including the value of the property, shall be heard and determined; and either party shall be allowed a jury.

Provided.

§ 7. The city council [shall] have power to levy and collect a special tax on the owners of lots on any street, lane, avenue or alley, according to their respective fronts, for the purpose of grading, paving or planking sidewalks, filling up streets and alleys, lighting the same, and for any necessary improvement thereof, and keeping the same in repair, to be collected the same as other taxes: *Provided*, said tax shall not exceed the cost of the work.

## ARTICLE VI.

### MISCELLANEOUS PROVISIONS.

Tax, how col-  
lected.

§ 1. All taxes and assessments levied by the city council, which shall not be paid as fixed by ordinance, shall be collected as the council may prescribe by ordinance, not in-

consistent with the constitution and laws of this state; and full power is hereby given to adopt the mode and manner, as specified in an act entitled "An act to amend the charters of the several towns and cities in this state," passed March 1, 1854.

§ 2. All able-bodied male inhabitants in said city, over twenty-one years of age, shall be required to labor on the streets, avenues, lanes and alleys, not exceeding two days in each and every year, under such penalty as may be prescribed by ordinance; and the said inhabitants shall be exempt from working on or paying any tax for any road beyond the limits of the city.

§ 3. The city council shall have power to provide by ordinance for the punishment of any offender, by imprisonment in the county jail, or calaboose, in any case, upon failure to pay fines and forfeitures and penalties, as provided by this act, or by ordinance; and the said city council is hereby authorized to use the said jail for said purpose.

§ 4. All ordinances heretofore passed, or that may be passed, by the president and trustees of the town of Windsor, shall remain in full force until repealed by the city council.

§ 5. All actions brought to recover any fine, penalty or forfeiture under this act, or under any ordinance of the city council, shall be brought in the corporate name. It shall be lawful to declare in debt for the same, stating the section of the law or the ordinance under which the fine or penalty is claimed, and to give the special matter in evidence. In all such cases, where the fine or penalty is under one hundred dollars, the president shall have full jurisdiction, and shall commence the prosecution by warrant.

§ 6. This act is hereby declared to be a public act, and shall be read in evidence in all courts of law or equity, without proof.

§ 7. All acts or parts of acts inconsistent with the provisions of this act, except as hereinbefore excepted, are hereby repealed.

§ 8. The city marshal, or any officer authorized to execute writs or other processes issued by the president, shall have power to execute the same, within the limits of the county of Shelby, and shall be entitled to the same fees as are allowed to constables in similar cases.

§ 9. The present president and trustees of the town of Windsor, as at present incorporated, are hereby appointed trustees of said city, and shall hold their offices until the second Monday in April, A. D. 1865, and until their successors are duly elected and qualified; and on the second Monday of April next, and on the second Monday of April in every year thereafter, an election shall be held for the purpose of electing four councilmen of said city, who shall hold their offices for one year, and until their successors are

Street labor.

Offenders, how punished.

Ordinances in force.

Actions

Acts repealed.

Process.

Trustees.



Notice of elec- elected and qualified. Ten days' notice of said first election  
tion. shall be given by the present president and trustees, through  
their clerk, by publication in some newspaper in said town,  
or by posting up notices thereof in four of the most public  
places in said city, of the time and place of said election ;  
and a similar notice shall be given for the election of coun-  
cilmen in all cases hereafter.

Election of presi- § 10. At the time provided for the election of four coun-  
dent. cilmen, the president hereinbefore provided for shall be  
elected, who shall hold his office for four years, and until  
his successor is elected and qualified. Returns of the elec-  
tion of said president shall be made as provided by the laws  
in relation to justices of the peace, and shall be commis-  
sioned by the governor, as other justices of the peace.  
Notice shall be given for the election of said president, as  
well as of said council, and in the same manner.

§ 11. This act shall be in force from and after its pass-  
age.

APPROVED February 16, 1865.

In force Feb. 16, AN ACT to incorporate the town of Wyoming.  
1865.

Name and style. SECTION 1. *Be it enacted by the People of the State of  
Illinois, represented in the General Assembly,* That the  
resident inhabitants of the town of Wyoming, in the county  
of Stark and state of Illinois, are hereby constituted a body  
politic and corporate, by the name of "The President and  
Trustees of the Town of Wyoming;" and by that name  
shall be known in law and have perpetual succession ; may  
General powers. 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 grant, purchase,  
receive and hold real and personal property, within the  
limits of said town, and no other, burial grounds excepted ;  
and may lease, sell, or dispose of the same for the benefit of  
the town, and have the power to do all other acts as natural  
persons which may be necessary to carry out the powers  
hereby granted, and may have a common seal, and alter the  
same at pleasure.

Boundaries. § 2. That the boundaries of said town shall include  
sections one, (1,) and two, (2,) in township twelve (12)  
north, and range six (6) east of the fourth principal meridian,  
and the south half of sections thirty-five, (35,) and thirty-  
six, (36,) in township thirteen (13) north, range six (6) east  
of the meridian aforesaid.

Annual election. § 3. That there shall, on the first Monday of September  
next, and on the first Monday of September thereafter,

annually, be elected five trustees, who shall hold their offices for one year, and until their successors are elected and qualified to act, and public notice of holding such election, stating the time and place thereof, shall be given by the president and trustees or their clerk, by posting notices thereof in three of the most public places in said town at least ten days before the time of said election. No person shall be eligible to the office of trustee of said town, who shall not be a qualified voter, and a resident and a freeholder within the corporate limits of said town for one year previous to such election; that at any election for trustees, every person who shall be qualified to vote at a state election, 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; and the said trustees shall, at their first meeting, proceed to elect one of their body president, and shall have power to fill all vacancies in said board which may be occasioned by death, resignation or otherwise; and such persons so appointed shall hold their office until the next regular election after their appointment.

Who may be trustees.

President.  
Vacancies.

§ 4. The president and trustees of said town shall have power to levy and collect taxes upon all property, real and personal within the limits of said town, not exceeding fifteen mills on one hundred dollars' valuation per annum, upon the assessed value thereof, and may enforce payment thereof in any manner to be prescribed by ordinance, not repugnant to the constitution of the United States or of this state: *Provided*, that the qualified voters of said town may at any general or special election, by a majority, vote for levying a special tax, not exceeding one hundred mills on each hundred dollars' valuation, in which case the notices for such election shall state the specific purpose for which it is proposed to levy such special tax and for special elections for the purpose of voting upon the question of levying a tax for specified purposes, notices thereof shall be given in the same manner as herein provided for the annual election of trustees of said town, only the same shall be posted at least three weeks previous to such election.

Annual tax.

Proviso.

Special tax.

Special elections.

§ 5. The said town of Wyoming, and the president and trustees thereof, are hereby invested with all the powers, rights, privileges and immunities made, subject to all the liabilities and entitled to and be conducted in conformity with all the provisions of an act entitled "An act to incorporate the town of Toulon," approved February 11, 1859, so far as the same can be made applicable to the said town of Wyoming, and not herein otherwise provided. It shall in no case be held that any powers are hereby conferred upon the said town of Wyoming, or the president and trustees thereof, except those expressly enumerated herein, or in said act to incorporate the town of Toulon, which are hereby conferred upon said town of Wyoming; nor shall

Rights and privileges.

this act be construed as granting any power to the president and trustees of the said town of Wyoming to grant licenses for any ball alley, billiard table or other matter or thing whatever, except where such power to license is expressly and distinctly named and declared in express words.

§ 6. That no prosecution or conviction for any offense under the laws of this state, shall be a bar to prosecutions or suits for fines, penalties or forfeitures for the breach of any ordinance of the said town of Wyoming.

§ 7. This act is hereby declared to be a public act, and may be used in evidence in all courts without proof.

First election.

§ 8. The first election for officers under this act shall take place on the first Monday of September next, at the Brick school house, in said town of Wyoming, notices of which first election may be given by any two qualified electors in said town, by posting written or printed advertisements thereof in three of the most public places in said town, ten days previous to the election, and stating the purpose, time and place of said election. The qualified voters present at the time and place of said first election, may appoint a moderator and clerk, who shall issue certificates of election to those five eligible candidates, who may receive the largest number of votes at such election, a record whereof shall be made, signed by said moderator and clerk, and delivered over to the trustees so declared elected, to be entered upon the records of said town of Wyoming.

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

APPROVED February 16, 1865.

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In force when  
voted for.

AN ACT to incorporate the town of Xenia.

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

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 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 burying grounds and other purposes, for the use of the inhabitants of said town, and improve and protect such property, and do all things in relation thereto as natural persons.

§ 3. That all those tracts of land embraced in the town plat of the town of Xenia, together with all additions that now are or may hereafter be made to said town, as recorded in the recorder's office of said county of Clay. Boundaries.

§ 4. On the first Tuesday of April of each year the inhabitants of said town shall elect four trustees and one 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 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. Annual election.  
Police justice.

§ 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 Clay 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. President.

§ 6. John Pierce, Benjamin B. Thomas, and Gilbert Pritchell, 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 shall be conducted in accordance with the laws of this state pertaining to elections, 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. Judges of election.

§ 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 said election a resident and *bona fide* freeholder within the corporate limits of said town, which residence shall not be for the purpose of education, or for any other temporary object, and who shall not be a qualified voter at all elections for state and county officers. Who may be president.

§ 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 number may adjourn from day to day, and compel the attendance of absent members, in such manner and under such penalties as they may provide, and punish the members for disorderly conduct, and, by vote of three-fourths of Judges of election.

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, as may be occasioned by death, resignation, removal, or continued absence from the town for over three months: *Provided*, they shall not appoint any one of their number to any of said offices, and the president shall in no case be entitled to a vote, except in case of a tie.

Powers of board  
of trustees.

§ 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 said labor be insufficient for that purpose, to appropriate as much of the general funds of the corporation as they may deem necessary therefor.

*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 as may be levied upon such lots shall be proportionate to the length of their respective fronts; and until said 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.

*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 or of this state; but until they provide, by an ordinance, for enforcing the payment thereof, the said property shall be assessed, and the tax collected, in the manner provided by the ninth section of the act last mentioned; and the clerk of the board shall certify to the county clerk, ten days previous to the annual mee-

ing of the board of supervisors, the rate of all taxes levied by said board.

*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 the 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 the immoderate riding or driving of any horse or horses, or other animals, within the limits of said town; to prohibit the abuse of animals; to compel persons to fasten their horses or other animals while attached to vehicles, or otherwise, when standing or remaining in any street, alley or public ground within the limits of said town.

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

*Ninth.* To prohibit and restrain all descriptions of gambling and fraudulent device, and suppress and prohibit billiard tables, ninepin alleys, and other gaming establishments: *Provided*, they may have power to license billiard tables, ninepin alleys, or other places of exercise and amusement.

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

*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 batteries, or shooting, within the 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.

*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 materials.

*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.

*Twenty-first.* To license, regulate, prohibit and suppress the selling, bartering or exchanging and trafficking in wine, rum, gin, brandy, whisky, ale or strong beer, or any 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.

*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.

Ordinances.

*Twenty-third.* To make all ordinances which shall be necessary and proper to carry into execution the powers specified in this act, or which they may deem necessary and 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 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.

Officers.

§ 10. That the president and board of 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.

Record of acts.

§ 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 place 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, if there be one, or by posting up notices of the same in three of the most public places in said town. The book or books purporting to be the record of the corporation of said town of Xenia, or a duly certified transcript thereof, shall be received in all courts without further proof, as evidence of all such matters therein contained.

Fines and forfeitures.

§ 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 corpora-

tion; 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 this 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, her 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 said five dollars, and so in proportion to the amount of the judgment and costs: *Provided, however*, the said president or 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 the real property, and signify the same in writing to him, the justice shall not issue a *capias*, as aforesaid, but shall, without delay, certify a transcript thereof, and all the proceedings, according to law, to said 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.

Assault and battery.

Executions.

Arrests.

Proviso.

Appeals.

Suits at law.

Fines and forfeitures.

Road labor.

§ 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.

§ 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 license 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 corpo-

ration, and from paying tax on any property within its limits to procure laborers to work on any such road.

Act to be voted  
on.

§ 16. *Be it further enacted*, That this act shall not take effect and be in force from and after the same, until after the same shall have been first submitted to a vote of the legal voters residing within the limits of said corporation, as described in section three of this act, and decide in favor of the acceptance of this act of incorporation, by a majority of the voters voting at such election voting in favor therefor. Said election to be held on the third Saturday of March A. D. 1865, and the aforesaid John Pierce, Benjamin B. Thomas and Gilbert Pritchett, shall be judges of said election, who shall be governed in all respects according to the election laws of this state, in conducting and canvassing the votes at said election. They shall give ten days public notice of the time and place of holding said election, in the way and manner hereinbefore provided in this act in the publication of ordinances.

Judges of elec-  
tion.

§ 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 the state, without proof.

APPROVED February 16, 1865.

In force Feb. 16,  
1865.

AN ACT to change the name of the town therein named.

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 town of York, in the township of York, in Carroll county, be and it is hereby changed to that of Thomson: *Provided, however*, that the change of name shall in no wise affect contracts or conveyances heretofore made.

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

APPROVED February 16, 1865.

In force Feb. 16,  
1865.

AN ACT to incorporate the Illinois and Indiana Turnpike Company.

Corporators.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That James P. Root, John A. Jameson, Charles Hitchcock, P. L. Sherman and James H. Woodworth, and such other persons as may be associated with them for that purpose, are hereby made and constituted a body corporate and politic,



by the name and style of "The Illinois and Indiana Turnpike Company," with perpetual succession, and by that name and style shall be capable in law of taking, purchasing, holding and possessing property, and selling and conveying the same, so far as the same may be necessary for the purpose hereinafter mentioned, and no further; and in their corporate capacity may sue and be sued, plead and be impleaded, in all courts and places; have a common seal, which they may make and alter at pleasure, and have and exercise all the privileges which are or may be necessary to carry into effect the purposes and objects of this act.

§ 2. The said Illinois and Indiana turnpike company shall have power and authority to locate, construct, maintain and operate a carriage road from such points on the south line of the city of Chicago in the county of Cook as shall be selected by said company, to the west line of the state of Indiana, or over so much of the distance between the points fixed by said company as the termini of said road as may be determined by said company, and over, along and upon any roads, lands or highways as may be necessary for the purpose of laying out, locating, establishing and maintaining the said road between the points aforesaid; and may grade, gravel, plank or otherwise ornament and improve the same for a good and substantial carriage road; and may charge, collect and receive tolls of any or all persons passing or driving over and upon the said road, or any part thereof, and for that purpose may erect and maintain toll gates, and appoint toll gate keepers, and may establish such rates of toll as shall be determined by the board of directors; and said company may take and appropriate to their use all such lands as may be necessary for the construction and operation of said road, or for material to construct or repair the same; and if such lands necessary to the construction and operation of said road cannot be procured by purchase, gift or grant, then said company shall have the power to condemn such lands as may be necessary for the construction of said road, under the provisions of "An act to amend the law condemning the right of way for purposes of internal improvement," approved June 22, A. D. 1852, or under the provisions of any other law on that subject in force at the time of condemning such lands.

§ 3. All of the corporate powers of said company shall be vested in a board of directors, to consist of not less than five nor more than nine in number, and such other officers and agents as they shall appoint. The first board of directors shall consist of James P. Root, John A. Jameson, Charles Hitchcock, P. L. Sherman and James H. Woodworth, who shall hold their offices until their successors are elected and qualified. Annual elections for the election of directors shall be held on the first Monday in May in each year, but a failure to hold the annual election at the time aforesaid

Name and style.

General powers.

Line of road.

Tolls.

Right of way.

Directors.

Officers and agents.

shall not work a forfeiture of any of the rights and privileges herein granted; and in all cases the existing board of directors shall hold their offices until their successors are chosen and qualified. The board of directors shall fix the place of holding all elections, and shall give thirty days' notice of the time and place of holding the same in a daily newspaper published in the city of Chicago. Vacancies may be filled in said board by vote of two-thirds of the directors remaining, and the persons so elected shall hold their offices until the next annual meeting, and until their successors are chosen.

Term of office.

Elections.

§ 4. At all elections held for directors, each share of capital stock shall entitle the holder thereof to one vote, which may be given either in person or by proxy, and the persons receiving the highest number of votes shall be declared duly elected. All elections for directors shall be conducted by three judges, who shall be selected by the stockholders present.

By laws.

§ 5. Said company shall have power to make, ordain, establish and execute all such by-laws and regulations, not inconsistent with the constitution and laws of the United States and state of Illinois as they may deem expedient to fulfill 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.

Capital stock.

§ 6. The capital stock of said company shall be twenty-five thousand dollars, which may be increased from time to time by a vote of a majority in interest of the stockholders at their annual meeting, or at any special meeting that may be called for that purpose by the directors of said company, to any sum required for the purpose of operating, extending or maintaining said road, which said stock shall be divided into shares of fifty dollars each, which shall be deemed personal property, and may be issued, certified, transferred and registered, in such manner and in such places as may be ordered and provided by the board of directors, who shall have power to require the payment of stock subscription, or assessment which they may make on the same, in the manner and at the times and in such sums as they may direct; and on the refusal on the part of the stockholders, or any of them, to make payment on the requisition of the board of directors, the shares of such delinquents may be sold at auction, after giving ten days' notice thereof, under such by-laws as said company may adopt. The board of directors herein named shall cause books to be opened for subscription to the capital stock of said company at such times and places and in such manner as they shall direct; and as soon as subscriptions to the amount of five thousand dollars shall have been subscribed, and fifty per cent. thereof been paid into said capital stock, then said company shall

Books opened.

be deemed fully organized, and may commence operations under this act.

§ 7. Any town through or in which the road of said company, or any part thereof, may pass or be located, is hereby authorized at any annual or special meeting of such town, to direct the supervisor to subscribe for so much of the capital stock of said company as shall be determined by vote at such meeting; and for the purpose of paying the subscription for such stock, said town is authorized by vote at such meeting to appropriate any and all road or other town moneys belonging to said town, or by vote to provide for the levy and collection of a tax sufficient for the payment of such subscription, or any part of the same, to be levied and collected in like manner as money for town purposes is now levied and collected by law: *Provided*, that no such town shall be authorized to act under the provisions hereof at any special town meeting, unless the supervisor shall have given at least ten days' notice of the time, place and object of such meeting by posting three notices in writing in the most public places in such town; and the supervisor of such town is hereby authorized to call special meetings at any time upon giving the notice required by this section. The supervisor of any such town is hereby authorized at any and all elections of said company to cast for and on behalf of such town, as many votes as such stock shall represent or be entitled to. Such stock shall be the property of the town, and subject to its disposal by vote at any annual town meeting.

Towns may take stock.

Proviso.

Special meetings

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

APPROVED February 16, 1865.

AN ACT amendatory of an act entitled "An act to incorporate the St. Clair county Turnpike Company," approved February 13, 1847. In force Feb. 16, 1865.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That the St. Clair county turnpike company is hereby authorized to pave part or the whole of their road with iron, or with wood set on edge, commonly called the Nicholson pavement; and said company may also lay iron rails such as are used for street railroads suitable for common wagons and vehicles, and may use a wooden pavement between the rails.

Road may be paved.

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

APPROVED February 16, 1865.



In force Feb. 16,  
1865.

AN ACT to locate a certain alley therein named.

Alley vacated.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented by the General Assembly,* That so much of an alley running east and west as lies between lots number fifty-four, fifty-five, fifty-six, fifty-seven, fifty-eight and fifty-nine, in block number nine, in the town of Xenia, Clay county, Illinois, be and the same is hereby vacated.

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

APPROVED February 16, 1865.

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In force Feb. 16,  
1865.

AN ACT to vacate certain alleys herein named.

Alley vacated.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That so much of an alley running east and west between the following lots, to wit: two, three, four and five in block six, and one, two, three, four, five, six, seven, eight, nine, ten, eleven and twelve in block five, and one, two, three, four, five, six, seven and eight in block four, and the alley between lots one, two and five in block six, running north and south, all in D. D. Duff's addition to the town of Clay City, in Clay county, Illinois, be and the same are hereby declared vacated.

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

APPROVED February 16, 1865.

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In force Feb. 16,  
1865.

AN ACT to vacate a certain street and alley therein described.

Vacation of  
street and alley

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 from Scarrit street to Allen street, between block sixteen (16) in Allen's addition to Springfield, Illinois, and lots eight (8) and nine in E. Iles' second addition of out lots, and lot one (1) in E. Iles' subdivision of lots ten (10), eleven (11) and twelve (12), in E. Iles' second addition of out lots to Springfield, Illinois, be and the same is declared forever vacated and closed; and that the street or part of street lying between said lot one (1) of E. Iles' subdivision of out lots ten (10), eleven (11) and twelve (12) of E. Iles' second addition of out lots to Springfield aforesaid, and said lot nine (9) of E. Iles' second addition of out lots;

said street or part of street being one hundred feet nine inches north of said Allen street, and running from sixth street to said alley, be also vacated and closed, said street and said alley not having been used by the public for the period of ten years.

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

APPROVED February 16, 1865.

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AN ACT to vacate certain alleys in the town of Carthage, Hancock county. In force Feb. 16, 1865.

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 between blocks fifteen (15) and sixteen (16) and that portion of the alley running north and south between lots two (2) and three (3), and that portion of the alley running east and west between lots one (1) and two (2) and eight (8) in block twenty-four (24), and the alley running east and west through block forty (40), and that part of the alley running east and west through lots one and two and lots seven and eight in block twelve (12), in the town of Carthage, in the county of Hancock, be and the same are hereby vacated. Alley vacated.

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

APPROVED February 16, 1865.

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AN ACT to vacate an alley in Hawley's addition to the town of Carthage. In force Feb. 16, 1865.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the alley running between blocks one and four in Hawley's addition to the town of Carthage, and so much of West Main street as runs between blocks three and four in said addition to Carthage, be and the same is hereby vacated, and the said street and alley shall revert back to the present owners of said blocks. Street and alley vacated.

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

APPROVED February 16, 1865.

In force Feb. 16,  
1865.

AN ACT to vacate an alley in the town of Taylorville.

Alley vacated.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the alley running through the center of block twenty-six (26) in the town of Taylorville, in the county of Christian, and state of Illinois, be and the same is hereby vacated.

§ 2. This act is hereby declared to be a public act.

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

APPROVED February 16, 1865.

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In force Feb. 16,  
1865.

AN ACT to vacate an addition to the town of Hamilton.

Addition vacated.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the addition to the town of Hamilton, in the county of Hancock, in the state of Illinois, laid out by the Keokuk and Hamilton Ferry and Manufacturing Company, and styled "The Ferry Company's Addition" to the town of Hamilton be and the same is hereby vacated.

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

APPROVED February 16, 1865.

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b. 16, 1865. AN ACT to vacate a part of an addition to the city of Rock Island, known as Briggs Place.

Additions vacated.

Proviso.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That so much of the addition to the city of Rock Island, known as Briggs Place, that lies south of the alley running through blocks three and four of said addition, as appears by the recorded plat of said addition, be and the same is hereby vacated: *Provided*, that this act shall not be construed to affect the rights of the public in and to the street running north and south through said addition.

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

APPROVED February 16, 1865.



AN ACT to vacate a portion of the plat of Potts' addition to the town of Jerseyville. In force Feb. 14, 1865.

WHEREAS Cornelius B. Fisher has become sole owner and proprietor of that portion of Potts' addition to the town of Jerseyville, in the county of Jersey, in this state, that is situated in the east half of the north-east quarter of the south-east quarter of section number twenty-one (21), township number eight (8) north of range number eleven (11) west of the third (3d) principal meridian. Preamble.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That that portion of the town plat of Potts' addition to the town of Jerseyville, in said county and state, situated in the east half of the north-east quarter of the south-east quarter of section number twenty-one (21), township number eight (8), north, range number eleven (11) west of the third principal meridian, be and the same is hereby vacated; and that the title to the lots, blocks and parts of lots, blocks and streets in that portion of said addition, as above described, shall vest in said Cornelius B. Fisher, their present owner; and that the lots, blocks and streets above described shall hereafter be assessed and taxed in the same manner that other lands are required to be assessed and taxed. Plat vacated.

§ 2. 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.

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

APPROVED February 14, 1865.

AN ACT to vacate that part of Cook's addition to the town of Kappa therein named. In force April 18, 1865.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That all that part of the town plat of Cook's addition to the town of Kappa, in the county of Woodford, (including the Reserve) lying west of forty (40) feet from the east line of Mackinaw street, be and the same is hereby vacated; and hereafter the real estate embraced in that part of Cook's addition to the town of Kappa hereby vacated be assessed by its legal subdivisions, as other real estate in said county: *Provided*, the vacating of that part of the survey and plat above named shall not interfere with the vested rights of any persons whatsoever holding property therein. Plat vacated.

APPROVED February 15, 1865.

In force Feb. 16, 1865. AN ACT to vacate a part of Reeves, Durkees, Safford and Co.'s addition to Oakwood and Hamilton, Hancock county.

Plat vacated. SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That all that part of Reeves, Durkee, Safford and Co.'s addition to Oakwood and Hamilton, in the county of Hancock, lying and being south of Oak street, and also, block seven (7) in said additions, be and the same are hereby vacated.

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

APPROVED February 16, 1865.

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In force Feb. 16, 1865. AN ACT to vacate block seventeen (17) in the town of Byron, Ogle county.

Block vacated. SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That block seventeen (17) in the town of Byron, Ogle county, state of Illinois, be and the same is hereby vacated.

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

APPROVED February 16, 1865.

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In force Feb. 16, 1865. AN ACT to vacate certain blocks, lots and streets in Morrison's addition to the town of St. Charles.

Addition vacated. SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That so much of Morrison's addition to the town of St. Charles, Kane county, Illinois, as is contained in blocks 11, 12, 13, 14 and 15, and lot 8 in block 7, and lots 5, 6, 7 and 8 of block 8, and lots 5, 6, 7, 8, of block 9, and lots 6, 7, 8, 9 and 10 of block 10, and the streets and alleys intersecting the same, of Morrison's addition to said town of St. Charles, be and the same is hereby vacated.

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

APPROVED February 16, 1865.

AN ACT to vacate Michigan terrace, between Maple avenue and Brook street, in Cleaureville and vicinity. In force Feb. 16, 1865.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That all that part of Michigan terrace between Maple avenue and Brook street, and lying east of blocks eleven and twelve, in the subdivision of Cleaureville and vicinity, in Cook county, is hereby vacated. Part of way vacated.

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

APPROVED February 16, 1865.

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AN ACT to vacate a certain park or public square in the town of Farmington in Fulton county. In force Feb. 15, 1865.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That so much of the town plat of the town of Farmington, known as the park or public square, in Chapman and Reed's addition to the town of Farmington, be and the same is hereby vacated. Part of plat vacated.

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

APPROVED February 15, 1865.

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AN ACT to vacate all the streets and alleys in Mead's addition to the town of Maysville. In force Feb. 16, 1865.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That all the streets and alleys in Mead's addition to the town of Maysville, in Clay county, be and the same are hereby vacated. Streets and alleys vacated.

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

APPROVED February 16, 1865.



In force Feb. 16,  
1865.

AN ACT to vacate a street therein named.

Street vacated.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That all that portion of Commerce street lying south of the north side of Murray street in the town of Savanna, in the county of Carroll, in the state of Illinois, be and the same is hereby vacated.

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

APPROVED February 16, 1865.

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In force Feb. 16,  
1865.

AN ACT to vacate a portion of a street in the town of La Clede.

Part of street vacated.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That so much of Robison street, in the town of La Clede, in Fayette county, as lies north of Effingham avenue, be and the same is hereby vacated.

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

APPROVED February 16, 1865.

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In force Feb. 16,  
1865.

AN ACT to vacate a portion of a street or public landing in the city of Morris, in the county of Grundy, and to dispose of the same.

City may sell ground.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the city of Morris, in the county of Grundy, and state of Illinois, be and is hereby authorized and empowered to sell and dispose of, as the common council of said city shall deem proper, all that portion of block three, (3), lying west of lot three, (3), in said block and east of Waupoosie street, and south of Canal street, in the original town of Morris, in said county of Grundy, and that the benefit of such sale shall enure to the said city of Morris forever.

Part of street vacated.

§ 2. That all that portion of Waupoosie street, or public landing, located upon the above mentioned tract of land, be and the same is hereby vacated.

Deed for land.

§ 3. The mayor of said city of Morris is hereby authorized and empowered to execute and deliver to any person or persons to whom the said city of Morris shall sell or dispose of said tract of land, a deed of conveyance of said land, in manner and form as he shall be directed by the

common council of said city, or a majority of them, which conveyance shall be in fee simple.

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

APPROVED February 16, 1865.

AN ACT to amend an act entitled "An act to vacate streets and alleys in the town of Vandalia, therein named, and other purposes, and to vacate public square in Huntsville, Schuyler county." In force Feb. 16, 1865.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That sections one, two and three, of an act entitled "An act to vacate streets and alleys in the town of Vandalia, therein named, and for other purposes," approved February 21, 1861, be and the same are hereby repealed.

Sections  
repealed.

re-

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

APPROVED February 16, 1865.

AN ACT to alter, re-locate and vacate streets in the village of Cuba, Lake county. In force Feb. 16, 1865.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That so much of Chesnut street as lies between blocks C and D, in the village plat of Cuba, Lake county, shall be and is hereby so altered as to run due west from William street to Walnut street; said street beginning at the west end of Franklin street, the north side of said altered street, being on a direct and straight line with the south side of said Franklin street, and running due west to said Walnut street. The name of so much of said Chesnut street herein altered and re-located, is hereby changed from "Chesnut" to "Franklin;" and the ground heretofore occupied by such part of Chesnut street as is vacated by this act, shall be and are hereby attached to lots two, (2), and three, (3), in block C, and to lots five, (5), six, (6), and seven, (7), in block D and become a part of said contiguous lots.

Street altered.

Name of street  
changed.

§ 2. *And be it further enacted,* that Washington street, from the west side of William street to Walnut street in said village of Cuba, be and the same is hereby vacated and the ground occupied by said street hereby vacated be and

Part of street va-  
cated.

the same is hereby attached to and made a part of lots three, four, five, six and seven of block D, in said village of Cuba.

§ 3. This act shall take effect immediately.

APPROVED February 16, 1865.

In force Feb. 16, 1865. AN ACT to vacate a street therein described, and to sell the land now occupied as said street for the benefit of the school fund of the town of Berlin, in Bureau county.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the street vacated. on the half section line running east and west across section sixteen, (16), in township seventeen (17) north, range ten, (10,) east of the fourth (4) principal meridian, in said Bureau county, and being fifty (50) feet wide, be and the same is hereby declared vacated, and the land now occupied as said street may be sold, and the proceeds arising therefrom shall be applied for the benefit of the school fund of said town of Berlin. Said land to be sold the same as other school lands are sold.

Land may be sold.

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

APPROVED February 16, 1865.

In force Feb. 16, 1865. AN ACT to vacate certain streets in the town of Camargo.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the whole of Eagle street, in the town of Camargo, formerly New Albany, in the county of Douglas, and state of Illinois, and that portion of Locust street lying east of Mill street, between lots number four (4) and five, (5), in Thomas J. Atkinson's and Parmenius Watson's addition to said town, be and the same are hereby vacated; and the street and part of street hereby vacated shall belong to, and the title is hereby vested in, the owners of the adjoining lots.

Streets vacated.

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

APPROVED February 16, 1865.



AN ACT to vacate the triangle in McHenry county.

In force Feb. 16,  
1865.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the triangle laid out in town lots one half mile east of Crystal Lake, on what is known as the "Joslyn farm," in McHenry county and state of Illinois, be and the same is hereby vacated. Triangle vacated

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

APPROVED February 16, 1865.

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AN ACT to vacate a portion of the town plat of the town of Bourbon. In force Feb. 16,  
1865.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That all that part of the town plat of the town of Bourbon, in the county of Douglas, known as Ellais' addition to said town, and portions of streets in said town as follows: Hickory street, commencing at the north end of the original town plat of said town, and from thence south to Walnut street, and that part of Walnut street east from Hickory street to the east line of said town plat, be and the same is hereby vacated. Part of town vacated.

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

APPROVED February 15, 1865.

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AN ACT to vacate the town plat of Munroeville, in the county of Henry. In force Feb. 15,  
1865.

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 Munroeville, in the county of Henry, in this state, be and the same is hereby vacated; said lands to be assessed and taxed as other lands are required to be assessed and taxed. Town plat vacated.

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

APPROVED February 15, 1865.

In force Feb. 16, 1865. AN ACT to vacate the town plat of the town of Kinnorwood, in the county of Bureau.

Town plat vacated.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the town plat of the town of Kinnorwood, in the county of Bureau, in this state, be and the same is hereby declared to be vacated, and the lots and blocks of said town shall hereafter be assessed and taxed in the same manner that other lands are required to be assessed and taxed; and the title to the several alleys, streets and public squares in said town shall be vested in the owner or owners of the adjoining lots.

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

APPROVED February 16, 1865.

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In force Feb. 16, 1865. AN ACT to vacate a part of the town of Winsor, in Mercer county, Illinois.

Lands vacated.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the following described land, to-wit: the northwest quarter and the northeast quarter of southwest quarter of section thirteen, in township fourteen north, range one, west of the fourth principal meridian, laid off into lots, blocks and streets, as a part of the town of Winsor, Mercer county, and state of Illinois, be and the same is hereby vacated, and that said lands be assessed and taxed as other lands are required to be assessed and taxed.

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

APPROVED February 16, 1865.

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In force Feb. 16, 1865. AN ACT to incorporate the Chicago and Berrien Shipping Company.

Name and style.

General powers.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That Henry Fuller, Henry H. Blake and Abei French, and their successors, are hereby constituted a body corporate and politic, under the name of the "Chicago and Berrien Shipping Company," and by that name they shall have perpetual succession, with power to contract and be contracted with, to sue and be sued, to acquire, hold and convey real and personal and mixed property, and shall have all the powers and authority incident to corporations, for the uses and purposes hereinafter mentioned.

§ 2. The capital stock of the said corporation shall be Capital stock. five hundred thousand dollars, and may be increased to seven hundred thousand. It shall be divided into shares of one hundred dollars each, and may be issued and transferred in such manner and upon such conditions as the board of directors of said corporation may direct.

§ 3. The said corporation, for the purpose of carrying on Build vessels and transport freight. a general shipping and docking business, is hereby authorized and empowered to construct, purchase or hire steamboats, vessels and boats of all descriptions, and may receive and transport freight of all kinds, by land or water, upon such terms as the board of directors, or their agents, may deem best for the interests of said corporation, and may purchase or rent land, and may erect suitable buildings and docks thereon, and may repair its own vessels and boats, and may buy and sell steamboats, vessels, and such other property as may be necessary for the successful carrying on of a ship, dockage and forwarding business.

§ 4. As soon as one hundred thousand dollars shall have Election. been subscribed to the capital stock of said company, and ten per cent. paid thereon, the company may proceed to organize, by the election of a board of not less than three directors, in whom and the officers whom they shall appoint shall be vested the powers of the corporation; and thereafter there shall be elected annually, by the stockholders, a board of not less than three nor more than thirteen directors, at such time and in such manner as the 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 that may occur in the board, Vacancies. by death or otherwise. They may also adopt such by-laws for the government of said corporation and the management of its officers and business, as they may think proper: *Provided*, the same shall not conflict with the constitution and laws of this state or of the United States: *And provided*, this corporation shall not organize within one year from the passage of this act, then the same shall be null and void.

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

APPROVED February 16, 1865.

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AN ACT to incorporate the Farmers' Warehouse Association, of Atlanta, In force April 18, 1865.  
Illinois.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That James P. Martin, George M. Angel, Richard S. Gill, William S. Corporators. Curry, Joseph Bell, Allen Quinsbury, John Strong, Wil-



Name and style.	<p>liam Beverly and James Tuttle, and their associates, successors and assigns, be and are hereby created a body politic and corporate, under the name and style of "The Farmers' Warehouse Association," and under that name and style</p>
General powers.	<p>shall have perpetual succession, and may sue and be sued, plead and be impleaded, defend and be defended in all courts and places; and by their corporate name and style may contract and be contracted with, as natural persons, and shall have all the incidents, immunities and franchises of a corporation, and perform all necessary acts and things in carrying [into] effect the objects and purposes of this act.</p>
Capital stock.	<p>§ 2. The capital stock of such association shall be ten thousand dollars, which may be increased to twenty thousand dollars, which shall be divided into shares of one hundred dollars each, and shall be assignable on the books of the association only. The persons incorporated by this act</p>
Books for stock.	<p>shall be authorized to receive subscriptions to the capital stock of the association, and as soon as five thousand dollars shall be subscribed and paid, or secured to be paid, to the satisfaction of the directors, they may call a meeting of the stockholders, at a time and place to be designated by them, and proceed to organize said association by the election of all necessary officers, each share being entitled to one vote by the holder thereof, or his proxy; and when said association is fully organized, it shall be lawful, and said association is hereby authorized to construct a warehouse or warehouses, at or near the town of Atlanta, in the county of Logan and state of Illinois, for the purpose of receiving, storing and shipping grain, stock and other merchandise, by railroad or otherwise.</p>
Officers.	<p>§ 3. The affairs of the association shall be managed by a board of directors, composed of not less than three nor more than five persons, who shall be chosen from the stockholders of such association, and shall hold their offices for</p>
Term of office.	<p>one year and until their successors are elected. At all elections for directors each share of stock shall be entitled to one vote by the holder thereof, or his proxy duly authorized; and in case any vacancy shall occur, such vacancy may be filled by appointment of the board of directors, until the time for the next regular election of directors. Said board of directors shall have power to elect a president, secretary, and all other officers and agents necessary for the good management of the affairs of the association, under such rules and by-laws as may be adopted.</p>
Election of officers.	<p>§ 4. The business of said association shall be confined to the receiving, storing and shipping of grain, stock and other freights, with such incidental and other necessary business as the board of directors may direct, connected therewith and auxilliary thereto; and for more fully carrying out the purposes of this act, said association are autho-</p>
Business of company.	

rized to purchase or lease lands or real estate, suitable for the erection of such warehouse or warehouses, buildings, outhouses or stock pens, and to release or sell the same, and to regulate the time and manner of transportation of freights, and the storage of grain, merchandise, or other property in their charge; and shall have power and authority to provide all necessary material and machinery for carrying out the objects of this act.

§ 5. The said association are hereby authorized to make calls upon the stockholders, at such times and in such sums as they may think proper; and any stockholder refusing or neglecting to pay such calls for thirty days after notice has been published in some newspaper of general circulation, published in said county of Logan, after the same shall become due and payable, then said directors are authorized to declare such stock so in arrears void, and all sums paid thereon absolutely forfeited to said association. Said association are authorized to borrow money from time to time, in such sums and at such rates of interest, not exceeding ten per cent. per annum, as they may think proper, and to pledge and mortgage the corporate property for the payment of the same, together with all the rights, credits and franchises of said association. Stockholders in this association shall be liable to the creditors of the association to the amount of the unpaid portion of the stock held by each of them respectively.

Calls for stock.

Forfeited stock.

Borrow money.

APPROVED February 16, 1865.

AN ACT to incorporate the Farmers' Association, of Homer, Champaign county, Illinois. In force Feb. 16, 1865.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That John F. Thompson, president, and Thomas F. Butler, vice president, J. R. Ochletree, treasurer, William C. Bitzer, Joseph P. Morrison, P. V. Davis, J. K. Leonard, Aquilla Palmer, directors, and J. O. Bryant, secretary of the Farmers' Association, of Homer, Champaign county, and their successors, and other present members of that society, and such other persons as may hereafter be admitted members of said society, according to the constitution, rules and regulations thereof, be and they are hereby created a body corporate and politic, under the name and style of "The Farmers' Association, of Homer, Champaign county," for facilitating sales and shipments of stock and farm produce of the members of said association; for securing to said members the per centage and profits usually made by local warehouse-

Corporators.

Name and style.

men and speculators; and for purchasing and shipping of such goods and merchandise as the members of said association may desire for their own consumption; and by that name and style shall have perpetual succession, with power to sue and be sued, plead and be impleaded, prosecute and defend, in all actions at law and in equity in all courts whatsoever.

General powers.

Hold real and personal estate.

§ 2. The said incorporation shall be capable in law of taking and holding, by purchase, grant, gift or otherwise, real and personal property, for the use of said society, to any amount not exceeding in value the sum of one hundred thousand dollars.

Sell real estate.

§ 3. The said society, in and by its said name and style, shall have power to sell and convey the real and personal property of said incorporation, and to loan the money thereof, and take promissory notes, bonds, mortgages or other evidences of indebtedness, to secure the same, and to have and use a common seal, and to alter the same at pleasure.

By-laws.

§ 4. The said corporation shall have power to make, establish and amend a constitution and such by-laws, not inconsistent with the constitution of the United States and of this state, as they may deem necessary for the government of said society, its officers and members.

Assessments.

§ 5. The said corporation shall have power to assess and levy upon their members, in the manner provided for in their constitution and by-laws, such taxes or contributions, from time to time, as may be necessary to carry out the purposes of said incorporation, and to collect the same by process of law, and to impose and legally collect fines for any violation of duty by any of the officers and members of said corporation, which they have to perform under its constitution and by-laws. This law to be in force from and after its passage: *Provided*, that the said company shall be subject to such general laws as may hereafter be passed on the subject of stock yard companies: *And provided*, that unless said company is organized under the provisions hereof within twelve months after the passage of this act, then this act shall be null and void.

Proviso.

APPROVED February 16, 1865.

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In force Feb. 13, 1865. AN ACT to incorporate the Great Western Warehouse and Transportation Company.

Corporators.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That George W. Jones, John S. Grubb, Chauncey L. Higbee, O. M. Hatch, Alexander Starne, and their associates, be and they



are hereby created a body politic and corporate, under the name and style of "The Great Western Warehouse and Transportation Company," and as such shall have perpetual succession; may sue and be sued, in any court whatever, and in addition to the power and privileges hereinafter provided, shall possess and enjoy all the powers and privileges incident to corporations. Name and style.

§ 2. The capital stock of said company shall be one hundred thousand dollars, but may be increased by a vote of a majority of the stockholders; it shall be divided into shares of one hundred dollars each, and said company may organize when twenty thousand dollars of the capital stock shall have been subscribed. Capital stock.

§ 3. The affairs of the corporation shall be managed by a board of five directors, who shall be elected annually, and continue in office until others are chosen in their place. The corporation, through its board of directors, shall have power to make such by-laws as they may deem proper, not inconsistent with the constitution of the state of Illinois and of the United States. Directors.

§ 4. Said corporation shall have power to purchase, lease or acquire, hold and convey all such real or personal estate or property as may be deemed necessary to carry on their business, as well as such real or personal estate or property as they may deem necessary to acquire in the enforcement or settlement of any claim or demand arising out of their business transactions, and to sell or exchange the same for other property as they may deem that the interests of the corporation require; and they are authorized to make, execute and issue in the transaction of their business all necessary receipts, certificates and contracts in manner and under such regulations as their by-laws may prescribe; and shall have power to engage in the purchase and sale of produce on commission or otherwise, and the transportation of freight by water, and to take risks by the ordinary manner of insurance upon property deposited or stored with them, or entrusted to them for transportation. Hold and sell property

§ 4. Said company is hereby empowered to establish and maintain boats, crafts and needful appendages, for the transportation of person and property, across the Mississippi river, passing on any line of railroad terminating or to terminate at Douglasville, or opposite thereto, in the state of Missouri, or requiring transportation over said river, to or from said Douglasville, for railroad transportation or travel; said company may contract with any railroad company for any such transportation, and shall, at all times, afford reasonable facilities for all railroad ferrying required of said company at said Douglasville, and shall maintain the necessary boats and crafts for that purpose; and said company may consolidate with any ferry or ferry company existing, or to Transportation business.

exist, under authority of the state of Missouri, for ferrying at said point or points.

Storage.

§ 5. Said corporation shall have power to receive upon storage, deposit, or otherwise, grain, flour, provisions and produce of various kinds, freights, stock, bonds, merchandise, warehouse receipts, bills of lading, railroad and transportation certificates, and evidences of debt, and other property, and to take the management, custody and control of the same, and to advance moneys, give receipts, grant credits and give security upon any property, real and personal, and guarantee payment upon freight bills, bills of lading, warehouse receipts, and evidences of debt, on such terms and at such rates of interest, not exceeding ten per cent., per annum, as may be agreed upon. All warehouse receipts, certificates, or other evidences of the deposit of property issued by said corporation, shall be deemed in the hands of the holders thereof as absolute title to the ownership of said property, both in law and equity.

Sales at auction.

§ 6. It shall be lawful for said corporation to sell, at public auction or private sale, as may be specified in the contract between the parties, all property of what kind soever mentioned in or affected by said contracts after ten days shall have elapsed from the time of the maturity of any obligation under said contract, or immediately upon the discovery of any fraud, misrepresentation or concealment in regard to the ownership, character or any other matter relating to the property mentioned in or affected by said contract, and to reimburse themselves out of the avails of such sale for the moneys due them, with the interest, storage, cost and charges, and to indemnify themselves for any loss that may have been sustained by the non-fulfillment of said contract.

Express  
contracts.

§ 7. It shall be the duty of said corporation to use all reasonable care and diligence in the keeping of property deposited with them or intrusted to them for transportation, but they shall not be deemed insurers thereof, except upon express contract; and in case any property deposited with said corporation, upon which any advance shall have been made by them, shall be for the maturity of the contract from any cause; decrease in value from the price originally paid said corporation, may give notice to the owner of such property, or his agent, to perform the conditions of the contract, or make good the deficiency caused by such decrease in value, and in default thereof, may sell and dispose of such property at public sale, out of the proceeds thereof, may retain the amount due them under the contract, together with the costs, charges and expenses.

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

APPROVED February 13, 1865.

AN ACT to incorporate the Missouri and Illinois Transportation Company. In force when  
voted for.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That Edward Wells, William Marsh, Amos Green, Alexander W. Rush, and Presley Lane, are hereby created a body corporate, by the style of "The Illinois and Missouri Transportation Company." Name and style.

§ 2. Said persons, or any three of them, may open books for subscription to the capital stock of said company, the shares of which shall be one hundred dollars each, and upon *bona fide* subscriptions being made to said capital stock, amounting to twenty-five thousand dollars, and five per centum thereof paid in; said persons, or any three of them, shall give public notice of the time and place of an election to be held for five directors of said company. Upon the election of said directors, they may appoint a president and other needful officers, and thereupon said company may exercise the corporate powers herein conferred. Said directors shall hold their offices for one year, and until their successors are elected; and the directors, or a majority, in amount of the stockholders, may, on public notice, call meetings of the stockholders for the election of new directors, or other business of the company; and said company may adopt and alter all needful by-laws. Books opened.  
  
Election of di-  
rectors.

§ 3. The capital stock of said company shall be one hundred thousand dollars, and may be increased as the exigencies of said company may require. Said company is hereby empowered to establish and maintain boats, crafts and needful appendages for the transportation of persons and property across the Mississippi river, passing on any of the lines of railroad terminating or to terminate at the city of Quincy, or opposite thereto, in the state of Missouri, or requiring transportation over said river, to or from said Quincy, for railroad transportation or travel. Said company may contract with any railroad company for any such transportation, and shall, at all times, afford reasonable facilities for all railroad ferrying required of said company at said Quincy, and shall maintain the necessary boats and crafts for that purpose; and said company may consolidate with any ferry or ferry company, existing or to exist, under authority of the state of Missouri, for ferrying at said point or points. Capital stock.  
  
Transportation.

§ 4. Said company may contract with the city of Quincy for the exercise of general ferry privileges, upon such terms as said company and said city may agree upon, and may acquire of said city any needful facilities for transportation said city and company may agree upon; and said company may negotiate for property necessary or convenient for the exercise of its business of transportation. Ferry.

§ 5. Should said company acquire as aforesaid, or in any general manner general ferry privileges, then the city coun- Rates of ferriage



cil of the city of Quincy may, by ordinance, regulate the rates of general ferriage and tax the same: *Provided*, the rates of ferriage shall not be below customary rates on said river, nor said tax higher than other property.

Consent of Quincy  
necessary.

§ 6. Said corporation shall not commence the business of carrying passengers and freight until it shall have first obtained the consent of the city of Quincy by resolution or ordinance of the city council thereof, and thereafter during the existence of said corporation, the city of Quincy shall have full and complete control of the manner in which the said ferry or ferry boats of the company shall be run, and regulate and restrain the same, and may have and enjoy all the rights and authority over the same granted to the said city of Quincy in regard to ferries in the act incorporating said city, and in the several acts amendatory thereto. This section shall operate and be construed to continue and vest in the city of Quincy the substantial control of said railroad ferry to license, tax and regulate the same.

Act to be voted  
on.

§ 7. This act shall not become a law until the same shall be submitted to a vote of the legal voters of the city of Quincy at a special election to be held for that purpose, at the usual places of holding elections, on the second Tuesday in May, eighteen hundred and sixty-five, notice of which election shall be given by the mayor of said city, in all the daily papers of Quincy, at least five days prior to the time of holding the same. Said election shall be by ballot, and those voting for the adoption of this act shall indorse on their tickets "for ferry," and those voting against it shall indorse on their tickets "against ferry;" and if a majority of the votes at such election shall be in favor of the adoption of this act, the same shall thereupon become a law, but not otherwise. After the returns of said election are canvassed, the result shall be recorded in the records of said city, and the said record of such result or any exemplified copy of the same under the seal of said city, and the hand of the city clerk, shall be evidence in all courts and places of the adoption or rejection of this act.

§ 8. This act shall be deemed a public act.

APPROVED February 15, 1865.

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In force Feb. 16, 1865. AN ACT to incorporate the Lake Michigan Warehouse and Transportation Company of Illinois.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That Ambrose M. Miller, Walter S. Frazier, James P. Root, Francis H. Benson and William H. Turner, and their associates, be and

Name and style.

they are hereby created a body politic and corporate, under the name and style of "Lake Michigan Warehouse and Transportation Company of Illinois," and, as such, shall have perpetual existence; may sue and be sued, in any court whatever; and shall possess and enjoy all the powers, privileges and immunities incident to corporations, for the purposes herein enumerated, and may have and use a common seal, which they may alter at pleasure. General powers.

§ 2. The capital stock of said corporation shall be five hundred thousand dollars, but may be increased by a vote of the stockholders representing a majority of the capital stock. It shall be divided into shares of one hundred dollars each; and said company may organize when one hundred thousand dollars of the capital stock shall have been subscribed. Capital stock.

§ 3. The affairs of the corporation shall be managed by a board of five directors, who shall be elected annually, and continue in office until others are chosen in their places. The corporation, through its board of directors, shall have power to make by-laws, not inconsistent with existing laws. Annual election

§ 4. Said corporation shall have power to purchase, lease or acquire, hold and convey all such real estate or personal property as may be necessary to carry on their business, as well as such real estate or personal property necessary to acquire in the enforcement or settlement of any claim or demand arising out of their business transactions, and to sell or exchange the same for other property, as the interests of the corporation require; also, to borrow money, and pledge their property as security for the payment thereof. They are authorized to make, execute and issue, in the transaction of their business, all necessary receipts, certificates and contracts, in manner and under such regulations as their by-laws may prescribe; and shall have power to engage in the purchase and sale of produce on commission, or otherwise, and the transportation of freight, by water or otherwise; and may cause to be insured, at the request of any consignor, property deposited or stored with them, or intrusted to them for transportation. Hold and sell property.

§ 5. Said corporation shall be located and do business at Chicago, Illinois, and shall have power to receive, upon storage, deposit or otherwise, grain, flour, provisions, and produce of various kinds, freights, stocks, bonds, merchandise, warehouse receipts, bills of lading, railroad and transportation certificates, and to take the management, custody and control of the same; and to advance moneys, give receipts, grant credits, and give security, upon any property, real and personal, and guarantee payment upon freight bills, bills of lading, warehouse receipts, in such terms, and at such rates of interest, not exceeding ten per cent. per annum, as may be agreed upon. All warehouse receipts, certificates, or other evidences of the deposit of property, issued General business

Place of business

Receipts.

by said corporation, shall be deemed, in the hands of the holder thereof, as absolute title to the ownership of said property, both in law and equity, as against said corporation.

Express  
contracts.

con-

§ 6. It shall be the duty of said corporation to use all reasonable care and diligence in the keeping of property deposited with them, or intrusted to them for transportation thereof, except upon express contract; and in case any property deposited with said corporation, upon which any advances shall have been made by them, shall, before the maturity of the contract, from any cause decrease in value from the price originally fixed, said corporation may give notice to the owner of such property, or his agent, to perform the conditions of the contract, or make good the deficiency caused by such decrease in value; and, in default thereof, may sell and dispose of such property at public sale, and, out of the proceeds thereof, may retain the amount due them under the contract, together with the costs, charges and expenses. The said corporation shall make no contract with any railroad company, or with any officer or agent thereof, or any person using or operating any railroad, for the exclusive delivery to such corporation of flour, produce, provisions or freights arriving at Chicago over such railroad, or for the delivery of or receipt from any railroad company or corporation, upon storage, deposit or otherwise, grain, flour, provisions, produce, or freight of any kind, that shall be consigned to other parties; and if the said corporation shall willfully receive any grain, flour, provisions, produce, or freight of any kind, consigned to other parties, and to the injury of such parties, all the rights, privileges and immunities hereby conferred and granted to the corporation hereby created shall be forfeited and determined; and the said corporation shall forfeit the sum of one hundred dollars for each and every such offense willfully committed, to be recovered by suit in any court having jurisdiction, by the party to whom such grain, flour, provisions, produce or freight was consigned.

Restriction  
powers.

of

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

APPROVED February 16, 1865.

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In force Feb. 15, 1865. AN ACT to incorporate the Mississippi and Illinois Transportation Company.

Corporators.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That Andrew W. Metcalf, and such other persons as he may associate with him, be and they are hereby created a body politic and corporate, under the name and style of "The Mississippi*



and Illinois Transportation Company;” and they and their successors shall have perpetual succession; may sue and be sued, in any court whatsoever; and may have and use a common seal, which they may alter at pleasure.

Name and style.  
Powers.

§ 2. The capital stock shall be one hundred thousand dollars, but may be increased by a vote of the stockholders representing a majority of the capital stock; and the shares shall be one hundred dollars each. The said company may organize when twenty-five thousand dollars shall have been subscribed. Books shall be opened at Edwardsville, Madison county, within six months from the passage of this act.

Capital stock.

§ 3. The business of the corporation shall be managed by a board of five directors, one of whom shall be chairman, and such other officers as the board may think the interests of the corporation may require. Said directors shall be elected annually, and continue in office until their successors are chosen; and said directors may make such by-laws for its government as the necessity of the company may require, not inconsistent with any of the laws of this state.

Annual election

§ 4. Said corporation shall have power to purchase and hold any real estate, for the erection of any building or buildings, or grounds, to carry on the business of said corporation; and if any such lands cannot be purchased at reasonable prices, then said company shall be governed by the general laws of this state, in condemning said lands for the uses of the corporation; and to aid in the business of transportation, the company may build a railroad track or tracks from said company's building to the landing on the Mississippi river, and to the railroad tracks, for the purpose of receiving and transporting any and all kinds of freight or stock that is shipped on railroads or by water, to them or their care, and to such other points as the business may justify.

By-laws.

General business

§ 5. And the said corporation may receive and forward all such freight as may be shipped on any railroad, or by water, and shall have such reasonable charges as the said directors may, from time to time, fix and regulate; and may take such risks, by way of insurance on any property shipped to them, or through their care, and at such rates, as the directors may regulate, and as may be agreed upon with shippers.

Freights.

§ 6. The said corporation may make such dividends, from time to time, as the business of the corporation may warrant; and if such dividends are not made in any one year, they may be made the succeeding year for the two years; and said directors shall make such regulations concerning the payment of stock subscribed, in their by-laws, as they may deem proper to secure the payment of the same.

Dividends.

§ 7. Said corporation shall have power to ship to all points in this state, and may ship to any other state or for-

Extension of business.

oreign country, any goods or merchandise, or stock of any kind, shipped to them for a foreign market; and section four of this act may be extended to any point where the business or interest of the corporation may require it, and shall be the government of said corporation in extending their business as it may become necessary.

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

APPROVED February 15, 1865.

In force April 10,  
1865.

# AN ACT to incorporate the River Transportation Company.

- SECTION 1.** *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That Samuel S. Taylor, William P. Halliday, Samuel B. Halliday, Alfred B. Safford, Alexander H. Irvin and D. T. Linegar, and their associates, successors and assigns, be and they are hereby created a body politic and corporate, under the name and style of "The River Transportation Company;" and, as such, shall have perpetual succession; may sue and be sued, in any court whatever; and may have a common seal, and alter and change the same at pleasure.
- Corporators.**
- Name and style.**
- Capital stock.** § 2. The capital stock of said company shall be one hundred thousand dollars, but may be increased by a vote of a majority of the stockholders. It shall be divided into shares of one hundred dollars each; and said company may organize when twenty thousand dollars of the capital stock shall have been subscribed.
- Annual election.** § 3. The affairs of the corporation shall be managed by a board of not more than five directors—the number to be determined by by-law—who shall be elected annually, and continue in office until others are chosen in their places. The corporation, through its board of directors, shall have power to make such by-laws as they may deem proper, not inconsistent with the constitution of the state of Illinois and the United States. The persons named in the first section of this act shall be the directors of said company until the first Monday in June, 1865, on which day the directors shall be elected by the stockholders; and the regular annual election shall be on the first Monday in June of each year, until changed by by-law.
- By-laws.**
- Hold and convey property.** § 4. Said corporation shall have power to purchase, lease or acquire, hold and convey, all such real or personal estate, or property, as may be deemed necessary to carry on their business, as well as such real or personal estate, or property, as they may deem necessary to acquire in the enforcement or settlement of any claim or demand arising out of their

business transactions, and to sell or exchange the same for other property, as they may deem that the interests of the corporation require; and they are authorized to make, execute and issue, in the transaction of their business, all necessary receipts, certificates and contracts, in manner, and under such regulations, as their by-laws may prescribe; and shall have power to engage in the purchase and sale of produce, on commission or otherwise, and the transportation of freight by water; and to take risks, by the ordinary method of insurance, upon property deposited or stored with them, or intrusted to them for transportation. Said company may use so much of the wharf of the city of Cairo as may be allowed to them by the owner thereof, or by the city council of said city, if said wharf shall be decided to belong to the said city.

Buy and sell produce.

Wharfage.

§ 5. Said company is hereby authorized and empowered to establish and maintain steamboats, barges and other water crafts and appendages for the transportation of persons and property; and are hereby authorized and empowered to transport such persons and property over and along the Ohio river and the Mississippi river, from Cairo, in the state of Illinois, to any point in the state of Kentucky or Missouri, or Tennessee, or Mississippi, or Louisiana. Said company may contract with any railroad company or packet company, or any person or persons, for any such transportation; and shall, at all times, afford reasonable facilities for all railroad ferrying required of said company at Cairo, aforesaid, and shall maintain the necessary boats and crafts therefor; and said company may consolidate with any company existing, or hereafter to exist, under authority of the state of Illinois, or the state of Missouri or Kentucky, for ferrying at said point; and said company are hereby empowered to establish, keep and maintain all necessary warehouses and inclosures, for keeping and attending to property by them to be transported; and to establish and maintain a private wharf or wharves, on land owned or to be acquired by said company, by lease or otherwise.

Boats and barges

Transportation business.

§ 6. Said corporation shall have power to receive, upon storage, deposit or otherwise, grain, flour, provision and produce of various kinds, freight, stocks, bonds, merchandise, warehouse receipts, bills of lading, railroad and transportation certificates, and evidences of debt, and other property, and to take the management, custody and control of the same; and to advance moneys, give receipts, grant credits, and give security, upon any property, real and personal, and guarantee payment upon freight bills, bills of lading, warehouse receipts, and evidences of debt, on such terms, and at such rates of interest, not exceeding ten per cent. per annum, as may be agreed upon. All warehouse receipts, certificates, or other evidences of the deposit of property, issued by said corporation, shall be deemed, in

Storage and deposit.



the hands of the holders thereof, as absolute title to the ownership of said property, both in law and equity.

Sales at auction.

§ 7. It shall be lawful for said corporation to sell, at public auction or private sale, as may be specified in the contract between the parties, all property, of what kind soever, mentioned in or affected by said contracts, after ten days shall have elapsed from the time of the maturity of any obligation under said contract, or immediately upon the discovery of any fraud, misrepresentation or concealment in regard to the ownership, character, or any other matter relating to the property mentioned in or affected by said contract; and to reimburse themselves, out of the avails of such sale, for the moneys due them, with the interest, storage, costs and charges, and to indemnify themselves for any loss that may have been sustained by the non-fulfillment of said contract.

Express contract

§ 8. It shall be the duty of said corporation to use all reasonable care and diligence in the keeping of property deposited with them, or intrusted to them for transportation; but they shall not be deemed insurers thereof, except upon express contract; and in case any property deposited with said corporation, upon which any advance shall have been made by them, shall, before the maturity of the contract, from any cause decrease in value from the price originally paid, said corporation may give notice to the owner of such property, or his agent, to perform the conditions of the contract, or make good the deficiency caused by such decrease in value, and, in default thereof, may sell and dispose of such property at public sale, and, out of the proceeds thereof, may retain the amount due them under the contract, together with the costs, charges and expenses.

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

APPROVED February 10, 1865.

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In force Feb. 13, 1865. AN ACT to incorporate the Union Stock Yard and Transit Company of Chicago.

Corporators.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That John L. Hancock, Virginus A. Turpin, Roselle M. Hough, Sidney A. Kent, Charles M. Culbertson, Lyman Blair, David Kreigh, Joseph Sherwin, Martin L. Sykes, jr., George W. Cass, James F. Joy, John F. Tracy, Timothy B. Blackstone, Joseph H. Moore, John S. Barry, Homer E. Sargent, Burton C. Cook, John B. Drake, William D. Judson, and such other persons as may associate with them for that purpose,*

be, and the same are hereby made a body politic and corporate, by the name and style of "The Union Stock Yard and Transit Company of Chicago," with perpetual succession; and by that name and style may contract and be contracted with, sue and be sued, have a common seal, which they may alter and revise at pleasure, and may have and exercise all the rights, privileges and immunities which are or may be necessary to carry into effect the purposes and objects of this act, as the same are herein set forth.

§ 2. That said company shall have power to locate, construct and maintain, upon the land purchased for such purpose, in convenient proximity to the southerly limits of the city of Chicago, and west of Wallace street, as the same would be extended in a straight line south from said city limits, all the necessary yards, inclosures, buildings, structures, and railway lines, tracks, switches and turnouts, aqueducts, for the reception, safe keeping, feeding and watering, and for the weighing, delivery and transfer of cattle and live stock of every description and also dead and undressed animals that may be at, or passing through or near the city of Chicago, and for the accommodation of the business of a general Union Stock Yard for cattle and live stock, including the erection and establishment of one or more hotel buildings, and the right to use the same, if deemed expedient, for the convenience of drovers, dealers and the public doing business at the said yards; and shall have power to repair, enlarge, relocate, reconstruct and alter the said yards, structures and buildings, or any of them, as shall become necessary or expedient from time to time; subject, nevertheless, to the restrictions above mentioned as to the location of the same; and shall have the right and power to make advances of money upon such cattle and live stock, for freight or other purposes, as may become expedient, and for such care, subsistence and handling, and advances made upon such stock, the said company may make and require to be paid, such reasonable charges as may be deemed just and proper, and shall have the power to lease the public house or hotel building so erected for the accommodation of those drawn together by the business of such yards, upon such terms and conditions as shall be deemed proper, or to make such other arrangements for the management thereof as may be deemed advisable, from time to time; and if the same shall be kept and managed by said company, shall have power to fix and require to be paid, such reasonable charges for the accommodation afforded by said house or houses, as shall be just and proper.

§ 3. The said company shall construct a railway, with one or more tracks, as may be expedient, from the grounds which may be selected for its said yards, so as to connect, outside of the city of Chicago, the same with the tracks of

Name and style.

General powers.

Yards, buildings

Advances on stock.

Lien on stock.

Railway

all the railroads which terminate in Chicago, the lines of which enter the city on the south between the lake shore and the southwest corner of said city, and on the west between said last named point and the north line of section number nineteen, (19,) township number thirty-nine (39) north, range fourteen, (14), east of third principal meridian, and shall have the right and power to make such connections with such suitable side tracks, switches and connections as to enable all of the trains running upon said railroads easily and conveniently to approach the grounds selected for said yards, and may make such arrangements or contracts with such railroad companies, or either of them, for the use of any part or portion of the track or tracks of such company or companies, which now is or hereafter may be constructed, for the purposes aforesaid, as may be agreed upon between the parties; and shall have power and authority to locate, and, from time to time, renovate, change, alter, construct and reconstruct, and fully to finish and maintain its said railroad or roads, side tracks and connections, and to transport and allow to be transported thereon between said railroads and cattle yards, all cattle and live stock and persons accompanying the same, to and from said yards, and may also transport or allow to be transported between the railroads entering said city, and so connected by the road or roads hereby authorized, by steam or other power, freight and property of every kind, as well as stock and cattle. and may fix and establish, take and receive such rates of toll for all freight and property so transported between said several railroads as the directors shall, from time to time, establish: *Provided*, all fees and charges for freights, hotel bills, feeding, carrying and everything done by reason of the powers herein given, shall be subject to any general law that may be passed by the legislature of this state, in reference to stock yards or to railroads; and for the purpose of constructing said railroad and appurtenances, shall have the authority and power to lay out, designate and establish the road, in width not exceeding one hundred feet through the entire line thereof, and to mark out and designate the ground for such yard and other structures, and may acquire such lands, which may be necessary for the purpose of constructing said tracks, either by purchase or in the manner hereinafter provided, with the right to let or demise the real estate and property so acquired, and improvements thereon; and shall also have the right and authority to take a lease or leases of ground for said yards, upon such terms as the directors of said company may deem just and reasonable, and all contracts and agreements made in connection with such lease or leases shall be valid and binding upon the parties thereto; and said company shall have the right, with the consent of the proper authorities having control thereof, to locate or construct its



road across any street or highway, doing as little damage and discommoding the public as little as may be consistent with the use of said track so laid.

§ 4. The said company shall have power and authority to receive, take and hold all such voluntary grants and donations of land and real estate as may be made to said company, for the purpose aforesaid, and may contract and agree with the owners and occupiers of any land which may be necessary for such purposes, or which said company may desire to use in connection therewith, in order to carry out the objects of its organization; and said company is authorized and empowered to receive and take grants and conveyances of all interests and estates in such lands to them and their successors and assigns, in fee or otherwise, and in case the said company cannot agree with the owners or occupiers of lands, necessary for the railroad tracks herein permitted to be constructed, so as to procure the same by the voluntary deed of such owners or occupiers, or if such owners or occupiers or any of them be a *femme covert, infant, non compos mentis* unknown or out of the county of Cook, the same may be taken for the purpose of constructing said railroad track, but for no other purpose, and paid for, if any damages are awarded, in the manner provided for in the "Act to amend the law condemning the right of way for purposes of internal improvement," approved June 22, A. D. 1852, and the acts amendatory thereof, to the benefits of all the rights, privileges, franchises and immunities contained in the provisions of which said act and the amendments thereof, said company shall be, and are hereby declared entitled.

Grants of land.

Right of way.

§ 5. The capital stock of said company shall be one million of dollars, which stock shall be divided into shares of one hundred dollars each, which shall be deemed personal property, and may be taken and held by individuals, and may be issued to such persons, and certified, transferred and registered in such manner and in such places as may be ordered and provided for by the board of directors, who shall have power to require the payment for the stock subscribed, in the manner, at the time and in such terms as they may direct; and the same may be paid for in real estate or in personal property, under the direction of said board of directors, who shall, also, have power to declare dividends upon profits earned by said company. On the refusal or neglect of any stockholder to make payment on the requisitions of the board of directors, the share or shares of such delinquent may, after thirty days' public notice in one of the daily newspapers of Chicago, be sold at public auction, under such rules as the directors may adopt.

Capital stock.

Dividends.

When stock sold

§ 6. The corporate powers of said company shall be vested in and exercised by a board of directors, to consist of not less than five nor more than nine in number, and such

Board of directors.

other officers, agents and servants as they shall appoint. The first board of directors shall consist of Martin L. Sykes, John B. McCullough, James F. Joy, John F. Tracy, Timothy B. Blackstone, John L. Hancock, Roselle M. Hough, Charles M. Culbertson and Virginias A. Turpin, who shall hold their office until the third Wednesday of January, A. D. 1866, and until their successors are elected and qualified. Vacancies in said board may be filled by a vote of two-thirds of the directors remaining, such appointees to continue in office until the next regular annual election of directors, and which said annual election shall be held on the third Wednesday of January in each year, at such place as the directors may appoint, thirty days' notice being given in one newspaper in Chicago, of the time and place of such election.

Vacancies.

Annual election.

Proxy vote.

§ 7. At any election of directors, each share of stock shall be entitled to one vote, to be given either in person or proxy, and the person receiving the largest number of votes to be declared duly elected, and to hold the office until the next annual election, and until their successors shall be duly qualified; and if for any cause the annual election shall fail, the company shall not be dissolved, but the directors in office shall continue to hold their places as directors, until an election shall be had and their successors duly elected and qualified.

Officers of board

By-laws.

§ 8. The directors herein named shall organize their board by electing one of their number president, and by appointing a secretary and treasurer. The said company shall have power to make, ordain and establish by-laws, rules and regulations necessary to fulfill the purposes and carry into effect the provisions of this act, and for the well ordering and securing the affairs, business and interests of the company, provided the same shall not be repugnant to the constitution and laws of the United States or of this state.

Water courses.

Proviso.

§ 9. Should it be necessary for the construction of the road or roads, hereby authorized to be built, to cross any water course, stream of water or road, it shall be lawful, under the direction of the proper authorities having control thereof, to construct the said road upon or across the same: *Provided*, the same shall be so constructed as not to unnecessarily impair the usefulness of said road or water course.

Borrow money.

§ 10. The said company is hereby authorized, from time to time, to borrow such sums of money as it may deem expedient, and to issue and dispose of their bonds therefor in denominations of not less than five hundred dollars each, and to an amount which, in the aggregate, shall not exceed five hundred thousand dollars, and bearing such rate of interest, not exceeding ten per cent., as the company shall deem expedient, and to secure the payment of the same, may execute a mortgage or deed of trust of all its property

# WAREHOUSE AND TRANSPORTATION COMPANIES.

of every description, in possession or to be acquired, with such terms, stipulations and conditions as may be deemed expedient.

§ 11. Nothing in this act contained shall be deemed, taken or construed as conferring upon the company hereby created, any powers or authority to maintain or operate a railroad for the conveyance of passengers or freight in the city of Chicago. And the said company hereby incorporated, is hereby expressly prohibited from making any contract or having any agreement, either expressed or implied, with any railroad company, to receive cattle, hogs or other freight transported over the road of any such railroad company, to the exclusion of any person or corporation having a stock yard in proximity to said city; and said company hereby incorporated, shall not receive any cattle, hogs or other stock consigned to any other person or company having a stock yard in proximity to said city; and any willful violation of any of the provisions of this act by the company hereby incorporated, shall work an absolute forfeiture of all the rights, privileges and immunities conferred by this act, and the franchises hereby conferred shall become utterly void.

Powers restricted.

Powers prohibited.

Forfeiture of charter.

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

APPROVED February 13, 1865.

AN ACT to incorporate the Union Warehouse and Transportation Company. In force Feb. 15, 1865.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That John D. Preston, Henry S. Brainard, John C. Dore, William H. Turner and J. W. Martin, and their associates, be and they are hereby created a body politic and corporate, under the name and style of "The Union Warehouse and Transportation Company," and as such shall have perpetual existence, may sue and be sued in any court whatsoever, and shall possess and enjoy all the powers, privileges and immunities incident to corporations, for the purposes herein contemplated; and may have and use a common seal, which they may alter at pleasure.

Corporators.

Name and style.

§ 2. The capital stock of said corporation shall be five hundred thousand dollars, but may be increased by a vote of the stockholders representing a majority of the capital stock. It shall be divided into shares of one hundred dollars each, and said company may organize when one hundred thousand dollars of the capital stock shall have been subscribed.

Capital stock.



Annual election.

§ 3. The affairs of the corporation shall be managed by a board of five directors, who shall be elected annually, and continue in office until others are chosen in their places. The corporation, through its board of directors, shall have power to make by-laws not inconsistent with existing laws.

Hold and sell property.

§ 4. Said corporation shall have power to purchase, lease or acquire, hold and convey all such real estate or personal property as may be necessary to carry on their business, as well as such real estate or personal property necessary to acquire in the enforcement or settlement of any claim or demand arising out of their business transactions, and to sell or exchange the same for other property, the interest of the corporation require, also, to borrow money and pledge their property as security for the payment thereof.

Business powers

They are authorized to make, execute and issue in the transaction of their business, all necessary receipts, certificates and contracts, in manner and under such regulations as their by-laws may prescribe; and shall have power to engage in the purchase and sale of produce, on commission or otherwise, and the transportation of freight by water; and may cause to be insured, at the request of any consignor, property deposited or stored with them, or entrusted to them for transportation.

Location.

§ 5. Said corporation shall be located and do business at Chicago, Illinois, and shall have power to receive upon storage, deposit or otherwise, grain, flour, provisions and produce of various kind; freights, stocks, bonds, merchandise, warehouse receipts, bills of lading, railroad and transportation certificates and evidences of debt and other property, and to take the management, custody and control of the same, and to advance moneys, give receipts, grant credits, and give security upon any property, real and personal, and guaranty payment upon freight bills, bills of lading, warehouse receipts and evidences of debt, on such terms and at such rates of interest not exceeding ten per cent., per annum, as may be agreed upon; all warehouse receipts, certificates or other evidences of the deposit of property, issued by said corporation, shall be deemed, in the hands of the holder thereof, as absolute title to the ownership of said property, both in law and equity, as against said corporation.

Auction sales.

§ 6. It shall be the duty of said corporation to use all reasonable care and diligence in the keeping of property deposited with them, or entrusted to them for transportation thereof, except upon express contract; and in case any property deposited with said corporation, upon which any advances shall have been made by them, shall, before the maturity of the contract, from any cause, decrease in value from the price originally fixed, said corporation may give notice to the owner of such property, or his agent, to perform the conditions of the contract or make good the deficiency caused by such decrease in value, and in default thereof, may sell

and dispose of such property at public sale, and out of the proceeds thereof, may retain the amount due them under the contract, together with the costs, charges and expenses. The said corporation shall make no contract with any railroad company, or with any officer or agent thereof, or any person using or operating any railroad for the exclusive delivery, to such corporation, of flour, produce, provisions or freight, arriving at Chicago over such railroad; or for the delivery of or receipt from any railroad company or corporation, upon storage, deposit or otherwise, grain, flour, provisions, produce, or freight of any kind, that shall be consigned to other parties. And if the said corporation shall willfully receive any grain, flour, provisions, produce, or freight of any kind, consigned to other parties, and to the injury of such parties, all the rights, privileges and immunities hereby conferred and granted to the corporation hereby created, shall be forfeited and determined, and the said corporation shall forfeit the sum of one hundred dollars for each and every such offense willfully committed, to be recovered by suit in any court having jurisdiction, by the party to whom such grain, flour, provisions, produce or freight was consigned.

Forfeiture  
rights.

of

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

APPROVED February 15, 1865.

AN ACT to incorporate the Moline Water Power Company.

In force Feb. 16,  
1865.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That John Deere, S. W. Wheelock, D. C. Dimock, John M. Gould, J. S. Keator, Charles Atkinson, and their associates and successors, are hereby constituted a body politic and corporate, by the name and style of "The Moline Water Power Company;" and by that name they and their successors shall, in law, be capable of suing and being sued, of pleading and being impleaded, in all courts and places whatsoever.

Name and style.

§ 2. Said company may own real estate, and a part or all of the water power at Moline, and are authorized to carry on such kinds of manufacturing business as they may desire, or lease or sell water power or land to others for that purpose.

Business.

§ 3. The management and direction of the affairs of said company shall be vested in a board of directors, to be elected by the stockholders; and said company are hereby authorized to establish any by-laws and regulations, and to alter or amend the same, as shall be necessary to carry out

Directors.

the provisions of this charter, provided the said by-laws and regulations do not conflict with or be repugnant to the laws of the United States or of this state.

Capital stock.

§ 4. The capital stock of this company may be seventy-five thousand dollars, with the privilege of increasing, to an extent not exceeding three hundred thousand dollars, and be divided into shares of one hundred dollars each.

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

APPROVED February 16, 1865.

In force Feb. 16, 1865. AN ACT to require the owners of the Rockton Water Power to contribute ratably to its maintenance and improvement.

Preamble.

WHEREAS the property in the town of Rockton, Winnebago county, Illinois, known as the Rockton Water Power, including the dam across Rock river, the main race and water power is held and owned by divers persons and firms, as tenants in common, and is not susceptible of division, and for the maintenance and usefulness of the property, repairs, alterations and improvements are, from time to time, required thereon, the expense of which, in justice, should be borne and paid by the owners, in proportion to their respective interests therein; therefore,

Expense of repairs, how made.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the reasonable cost and expense of such repairs, alterations and improvements may, from time to time, be made upon the property, in the town of Rockton, Winnebago county, known as the "Rockton Water Power," by the authority or direction of all the persons owning an interest in said property, either as mortgagees or in fee simple, shall be borne and paid by the respective owners, as aforesaid, in proportion to their share or interest in said property, and that any person or persons making any such repairs, alterations or improvements on said property, by the authority or direction of all of such owners of said property shall have a lien upon the respective shares or interest of the owners as aforesaid, in said property, for the payment of their proportion of such cost or expense.

Suits in default.

§ 2. That suits may be brought against all or any number of owners in default, for the reasonable cost or expense of repairs, alterations or improvements so made, and the said lien enforced in equity against the shares of the respective owners, in the same manner as if it were a mortgage thereon, and the said lien shall bind the respective interests from the time of the commencement of such repairs, altera-



tions and improvements, and as against prior incumbrances, shall bind this additional value imparted to the respective shares or interest by such repairs, alterations or improvements; but no such lien shall affect subsequent purchases or incumbrances, unless suit shall have been commenced to enforce the same within eighteen months after its creation.

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

APPROVED February 16, 1865.

AN ACT to incorporate the Belleville Water Works Company.

In force Feb. 16,  
1865.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That Simon Eimer, Ferd. Braun, F. R. Schrader, John Klug, J. Brosius, Herman Burkhardt, Ruf. Henkley, H. Godeking, and all such persons as are or may hereafter be associated with them, are constituted a body corporate, by the name of the "Belleville Water Works Company," with perpetual succession, and by that name are hereby made capable, in law or equity, of suing and being sued; to make and use a common seal, and alter the same at pleasure.

Corporators.

Name and style.

General powers.

§ 2. The capital stock of said company shall be ten thousand dollars, which may be increased from time to time, by a vote of a majority in interest of the stockholders, at their annual meeting, or any special meeting which may be called for that purpose by the directors of said company, to any sum not exceeding two hundred thousand dollars, which stock shall be divided into shares of fifty dollars each, which shall be deemed personal property, and which may be issued, certified and registered and transferred in such manner and in such places as may be ordered and provided by the board of directors, who shall have power to require the payment of stock subscribed in the manner and at the time and in such sums as they may direct, and on the refusal or neglect on the part of stockholders, or any of them, to make payment on requisition of the board of directors, the shares of such delinquent may, after thirty days' public notice, be sold at auction, under such rules as the directors may adopt; the surplus money, if any remains after deducting the payment due, with the interest and costs of sale, to be paid to the delinquent stockholder. The board of directors hereinafter named and appointed, shall cause books to be opened for subscription to the capital stock of said company, at such times and places and in such manner as they shall direct: *Provided*, that as soon as five thousand dollars of bona fide subscription shall be made and five per cent. thereon paid

Capital stock.

Transfer of stock

Sale of delinquent stock.

Books for stock.

in, it shall be lawful for said company to commence the construction of said water works.

annual election. § 3. The concerns of said company shall be managed by not less than five directors, who shall be stockholders, and who shall hold their office for one year and until others are chosen in their places. The directors shall be chosen annually, on the first Monday of May, at such time and place, in said city of Belleville, as the directors, for the time being shall appoint. The first election shall be held on the first Monday of May, 1865. Two weeks' notice of such election shall be given by publication, at least once in each week, in two newspapers published in said city. Each stockholder shall be entitled to one vote, upon each share of stock held by him or her, for at least twenty days previous to an election; voting shall be by ballot, and may be in person or by proxy.

First election.

Officers.

By-laws.

First directors.

Vacancies.

§ 4. The directors shall annually appoint a president, secretary and treasurer, and such other officers as they may deem necessary, who shall hold their offices until others are appointed in their places, and they may make and ordain such by-laws and regulations as they may deem necessary and proper for the management of their business and for the accomplishment of the purposes of the corporation.

§ 5. The persons named in the first section shall be the first directors, and shall hold their offices until the said first Monday in May, 1865, and until others are chosen in their places; and in case of vacancy in the board of directors by reason of death or resignation of any director, or his ceasing to be a stockholder, it may be filled by the remaining directors until the next annual election, or until some other person shall be elected to fill the same. The directors herein named may appoint three persons, who shall be stockholders, to be inspectors at the first election, after which the stockholders shall choose three such inspectors at the annual elections. If no inspectors are chosen, the directors may appoint three, from time to time. The directors may remove all officers appointed by them and appoint others in their places, and fill all vacancies in the offices. If at any time an election of directors shall not take place on the day appointed by this act, the corporation shall not for that cause be dissolved, but an election may be held on another day, in such manner as shall be prescribed by the directors or provided for by the by-laws.

Hold real estate.

Right of way.

Conduits, wells.

§ 6. For the purpose of supplying the said city of Belleville with pure and wholesome water, the said company may purchase, take and hold any real estate, and by their directors, agents, servants, or other persons employed, may enter upon the lands of any person or persons which may be necessary for said purpose, and may take the water from any springs, fountains, wells, rivers or lakes, and direct and convey the same to the said city, and may lay and construct any pipes, conduits, aqueducts, wells, reservoirs and other

works or machinery necessary or proper for said purpose, upon any lands so entered upon, purchased, taken or held, and may enter upon any lands, streets, highways, roads, lanes or public squares, through which they may deem it proper to convey the water from said springs, fountains, wells or rivers, and lay and construct any pipes, conduits or other works for that purpose, leaving the said lands, streets, highways, roads, lanes and public squares in the same condition, as nearly as may be, as they were before said entry.

§ 7. Before entering, taking or using any land for the purposes of this act, the directors of this company shall cause a survey and map to be made of the lands intended to be taken or entered upon for any of said purposes, and by which the land of such owner or occupant intended to be taken or used shall be designated, and which map shall be signed by the surveyor or engineer making the same and by the president of said company, and be filed in the office of the clerk of the county court of St. Clair county. The company, by any two of its officers, agents or servants, may enter upon any lands for the purpose of making any examination and of making said survey and map.

Survey and map  
of lands.

§ 8. In case the said company cannot agree with said owners and occupants of any lands or water intended to be taken or used as aforesaid, for the purchase thereof, the directors may proceed and acquire the right to the same in the same manner, terms and conditions as provided for by the act entitled "An act to amend the law condemning the right of way for purposes of internal improvement," approved June 22, 1852.

Lands, how ac-  
quired.

§ 9. In laying pipes, conduits or aqueducts, or constructing or erecting works in the streets, lanes or public squares of the city of Belleville, the said company shall conform to such regulations as the common council of said city may prescribe.

§ 10. The said directors of said company may establish rules and regulations for and concerning the conduct of all such persons as shall use the water from their works, so far as respects the preservation and use and restraining the waste thereof, and may thereby impose penalties and forfeitures for any violation of said rules and regulations, so that such penalty and forfeitures shall not, in any case, exceed ten dollars, which penalties may be recovered, with costs, in the name of the company, before any justice of the peace of said city. Said rules and regulations shall be published for three successive weeks in two newspapers printed in said city, and a copy of said rules and regulations, certified by the president or secretary of said company, with affidavits of the publication of the same, made by any of the publishers of said papers, shall be received as evidence in all courts and places.

Use and waste of  
water.

Penalties.

Notice of rules.

§ 11. The said company shall have power to charge for the supply of water to families, mills, distilleries, breweries,

Charges for wa-  
ter.



fire companies, or to any person or persons and bodies corporate, applying to said company for a supply of water, such sums of money per annum as shall be lawfully established by the by-laws of said company.

Misdemeanors,  
how punished.

§ 12. If any person shall do, or cause to be done, or aid in doing, or causing to be done, any act or acts whatever, whereby any building or construction or work of said company, or any machine or water conveyance, or any matter or thing appertaining to the same, shall be stopped, obstructed, impaired or weakened, injured or destroyed, or if any person or persons shall throw, conduct or convey, or cause to be thrown, conducted or conveyed into the water reservoirs, dams or dykes of said company, any filth, dirt, mud, still slops, offals, or any other impurities, the person or persons so offending shall be deemed guilty of a misdemeanor, and may be punished, upon conviction, by fine, in any sum not exceeding five hundred dollars, or by imprisonment in the penitentiary not exceeding five years, or by both, at the discretion of the court, and shall forfeit and pay to the said corporation treble the amount of damages sustained by reason of such offense or injury, to be recovered in the name of said company, with costs of suit, in an action of trespass, before any justice of the peace of this state, or before any court having jurisdiction thereof.

Borrow money.

§ 13. Said company is hereby authorized from time to time, to borrow such sum or sums of money as may be necessary for completing, finishing or enlarging their said water works, and to issue and dispose of their bonds in denominations not less than five hundred dollars; and to mortgage their corporate property and franchises, or convey the same by deed of trust, to secure the payment of any debt contracted by said company for the purpose aforesaid; and the directors of said company may confer on any bondholder of any bond issued for money borrowed as aforesaid, the right to convert the principal due or owing thereon, into stock of said company, at any time not exceeding ten years from the date of the bond, under such regulations as the directors of said company may see fit to adopt; and all sales of bonds for less than their par value, shall be good and valid, and as binding upon said corporation, as if the same were sold for the full amount thereof.

Issue bonds.

Time of commencement of  
works.

§ 14. The said company, hereby chartered, shall be required to commence their said water works according to the terms of this charter, within five years from the passage of this act, which shall be taken and received as a public law in all courts and places whatever.

City may issue  
bonds.

§ 15. The said company may accept subscriptions to their stock from the city of Belleville, to any amount not to exceed one hundred thousand dollars; and the said city is hereby authorized to issue bonds not exceeding said amount drawing interest not exceeding ten per cent. per annum.

§ 16. The said company shall have exclusive right of supplying the said city of Belleville with water; but whenever said city of Belleville shall make provision for the repayment to said company of the amount expended by said company, and a premium thereon of twenty per cent., then the said water works together with all lands, fixtures and appurtenances, shall vest in, and become the property of, said city of Belleville.

Exclusive rights  
of company.

City may buy  
waterworks.

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

APPROVED February 16, 1865.

AN ACT to incorporate the Egyptian Wine Company.

In force Feb. 13,  
1865.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That* Fred'k Buckman, William Assman, J. B. Holmes, Christian Wiebusch and William Retfeld, and their associates, successors and assigns, be and they are hereby created a body politic and corporate, under the name and style of "The Egyptian Wine Company," and under and by that name and style, they and their successors shall have power to contract and be contracted with, to sue and be sued, in all courts and places whatsoever; may have a common seal, and break or alter the same at pleasure; may make such by-laws, rules and regulations as they may deem necessary for the government and management of their business as a company.

Name and style.

General powers.

§ 2. The said company may purchase and hold such real estate as may be necessary for their business purposes: *Provided*, the same shall not exceed in quantity six hundred and forty acres, whereon to plant their vineyards, orchards, etc., etc., and to erect their wine cellars, presses and such buildings as may be necessary for the prosecution of their business.

Hold real estate

§ 3. The capital stock of said company shall be fifty thousand dollars, divided into shares of fifty dollars each.

Capital stock.

§ 4. When one hundred shares of said stock shall be subscribed and paid, or secured to be paid, the persons named in the first section of this act, or a majority of them are authorized to organize by appointing a president and secretary, and such other agents or officers as they may deem necessary. Said president and secretary shall continue in office for one year from the time of their appointment and until their successors shall be selected and qualified.

Officers.

§ 5. The persons named in the first section of this act shall be the directors of the company for one year from the

First directors.

Quorum.

Sell real estate.

organization thereof, and until their successors are elected and qualified; three of whom shall be a quorum, and may transact the business of said company in the same manner and to the same extent that natural persons might or could do; may sell, convey, mortgage or pledge all or any part of their real estate, and do any act or thing not contrary to law, that may be necessary to the successful prosecution of the business of said company.

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

APPROVED February 13, 1865.

DEPARTMENT OF STATE.

*Springfield, May 20, 1865.*

I, SHARON TYNDALE, 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.

SHARON TYNDALE,

*Secretary of State.*



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Williamsville, name of town of Benton changed to.....	373	Young Mens' Association, Princeton, Bureau county.....	19
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