

of the order of the board, ordering this act to be spread upon their journals, certified by the president and secretary of the board.

Violations of charter shall work forfeiture of same. **SEC. 17.** Should the corporation at any time act contrary to the provisions of this charter, or fail to comply with the same, upon complaint being made to the circuit court of St. Clair county a *scire facias* shall issue, and the circuit attorney shall prosecute in behalf of the people of this State for a forfeiture of this charter. This act shall be a public act, and shall be construed liberally in all courts for the purposes hereinbefore expressed; and, so far as this institution is concerned, all acts, as far as they may be contradictory to this act, are hereby repealed.

Act deemed public.

APPROVED, January 26, 1839.

In force, Feb.
3, 1839.

AN ACT to incorporate the town of Danville.

Name & style. **SEC. 1.** *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That George W. Cassedy, John M. Wilson, Isaac R. Moores, Guy Merrill, and William Knight, be, and they are hereby, constituted a body politic and corporate, to be known by the name of "The president and trustees of the town of Danville;" and by that name they and their successors shall be known in law, have perpetual succession, 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 property, real and personal, within said town, and no other; and may lease, sell and dispose of the same for the benefit of the town, and may have power to lease any of the reserved lands which have been or may be appropriated to the use of said town; and may do all other acts as natural persons; may have a common seal, change and alter the same at pleasure.

Powers and privileges.

Lands in section eight. **SEC. 2.** That all the lands in section eight, township nineteen north, of range eleven west, lying north of the Big Vermilion river, and east of the north fork, be, and the same are hereby, declared to be within the boundaries of the town of Danville.

Trustees.

SEC. 3. The corporate powers and duties of said town shall be vested in five trustees, after the term of present incumbents has expired, to wit, on the first Monday in may next, who shall form a board for the transaction of business.

Annual election.

SEC. 4. The members composing the board of trustees shall be elected annually, on the first Monday in May, to serve for one year, and until others shall be legally qualified. They shall be at least twenty-one years of age, citizens of the United States, and shall possess a freehold estate within the limits of the corporation. Those persons only shall be qualified to vote for trustees, or in such town meeting as may be held in

conformity to this act, who possess the requisite qualifications to vote for State officers, and have resided within the limits of the corporation six months previous to such elections or town meetings. Qualification of voters.

SEC. 5. The board of trustees shall appoint their president from their own body, shall appoint all other officers of their board, and shall be the judges of the qualifications, elections, and returns of their own members, and shall give three days' notice, posted in three of the most public places in the said town, or printed in some newspaper in said town, of an election to fill all vacancies in the board occasioned by the death, resignation, or six months' absence of any member thereof. A majority shall constitute a board to do business; but a smaller number may adjourn from day to day, may compel the attendance of absent members in such manner and under such penalties as the board may provide. They may determine the rules of proceedings, and make such other rules and regulations for their own government as to them may seem proper and expedient. President of board.
Notice of election.

SEC. 6. The board of trustees shall have power to levy and collect taxes upon all real estate within the town, not exceeding one per cent. upon the assessed value thereof except as may be hereinafter excepted; to make regulations to secure the general health of the inhabitants; to prevent and remove nuisances; to restrain horses, cattle, sheep, swine, and dogs from running at large; to establish night-watches, erect lamps in the streets, and lighting of the same; to erect and keep in repair bridges; to license and regulate taverns; to license and tax merchants, auctions, pedlers, theatrical and other shows of amusements; to restrain and suppress billard tables and tipping houses; to prohibit gaming houses, bawdy houses, and other disorderly houses; to prohibit the shooting of fire-arms within the limits of the said town, except to persons licensed for the benefit of trade; to prohibit the exhibition of stallions in the streets; to establish and erect markets; to open and keep in repair streets and avenues, lanes and alleys, drains and sewers, and to keep the same free from incumbrances; to establish and regulate a fire department; to provide for the prevention and extinguishment of fires; to regulate the police of the town; to regulate the election of town officers; to fix their compensations; to establish and enforce quarantine laws; and from time to time to pass such ordinances, to carry into effect the ordinances of this act and the powers hereby granted, as the good of the inhabitants may require, and impose and appropriate fines and forfeitures for the breach of any ordinance, and to provide for the collection thereof; and that in cases arising under this act or growing out of the by-laws or ordinances made in pursuance of this act of incorporation, any justice of the peace, within said corporation, shall have jurisdiction to hear and determine the same; and an appeal may be taken, and writs of *certiorari* allowed from Tax on real estate.
Nuisances, how removed.
Night-watch.
License powers.
Streets and avenues.
Prevention of fire.
Fines.
By-laws.
writs of certiorari.

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.

School houses **Sec. 7.** The board of trustees shall have power to levy a tax for the erection of school-houses and the support of common schools within said corporation, and to raise money, by loan on the credit of the town, for commencing and prosecuting works of public improvement: *Provided, however,* That the same shall be submitted to the vote of the citizens of the town, and approved by two-thirds thereof.

Proviso. **Sec. 8.** That upon the application of the owners of two-thirds of the real estate upon any street, it shall be lawful for the board of trustees to levy and collect a special tax on the owners of the lots on said street, according to their respective fronts, for the purpose of grading and paving the sidewalks of said streets.

Grading sidewalks. **Sec. 9.** That the board of trustees shall have power to regulate, grade, pave, and improve the streets, avenues, lanes, and alleys, within the limits of said town, and to extend, open, and widen the same, and to set aside and appropriate sufficient ground for a square for a market and other public purposes, making the person or persons impaired thereby adequate compensation; to ascertain which the board shall cause to be summoned twelve good and lawful men, freeholders and inhabitants of said town, not directly interested, who, being first duly sworn for that purpose, shall inquire into and take into consideration as well the benefit as the injury which may accrue, and estimate and assess the damages which would be sustained by opening, widening, or extension of any street, avenue, lane, or alley, or setting aside and appropriating ground for a market square and other public purposes; and shall, moreover, estimate the amount of which other persons will be benefitted thereby, and shall contribute towards compensating the persons injured; all of which shall be returned to the board of trustees, under their hands and seals; and the person or persons who shall be benefitted, and so assessed, shall pay the same in such manner as shall be provided; the residue, if any, shall be paid out of the town treasury.

Alteration of streets, &c. **Sec. 10.** That the trustees shall have power to survey and plat the grounds within the corporation limits, and record the same; which, when thus surveyed, platted, and recorded, shall be a governing plat for town uses and purposes: *Provided, however,* That this shall not be so construed as to give the trustees power to vary from any established plat as thereby to affect the rights of private individuals.

Proviso. **Sec. 11.** That whenever the owners of any lot or piece of ground included within said corporation shall neglect or refuse to pay the tax or taxes levied on the same when they may become due, it shall be the duty of the constable to advertise the same for non-payment, either in a newspaper

Refuse to pay tax.
Lots how sold.

printed in said town, or by posting in three of the most public places in said town, for the space of sixty days, and, on further failure of payment thereof, to sell at public sale said lot or piece of ground to pay said taxes and defray the expenses of collection. Notice of sale.

SEC. 12. All ordinances shall, within ten days after their passage, be posted in three of the most public places in said town, or published in some newspaper printed in said town. Ordinances to be published.

SEC. 13. That when any real estate in said town shall be sold by authority of said corporation for the non-payment of taxes, said lands may be redeemed in the time that other lands are redeemed by virtue of the laws of this State, upon paying the treasurer of the board double the amount of taxes for which the same was sold, together with all the costs accruing on such sale: lands not redeemed, such shall be conveyed by special warranty, under the seal [seal] of said corporation. Redemption of lots.
Deed of warranty.

SEC. 14. The officers of said town, in addition to the trustees, shall consist of one clerk, one constable, (whose duty it shall be to assess and collect the taxes, to weigh and measure, and act as free [fire] inspector,) one street commissioner, one treasurer, one town surveyor, and such other officers as the trustees of said town may deem necessary for the good of said town; all of whom shall be sworn or affirmed to act as conservators of the peace, and whose duty it shall be to complain to any justice of the peace residing in said town, without oath, of any violation of the laws of said corporation; and all of whom shall give bond to said trustees, in a suitable penalty, for the faithful performance of their respective duties. Officers of town.
To be sworn.
To give bond.

SEC. 15. That the president and trustees of said town shall, whenever they may deem it necessary, order the formation of fire-engine companies, hook, hose, and ladder and property companies; said companies to contain such number of members as said trustees by their ordinances shall direct. The members of said company shall be exempt from military duty; and, whenever a member of either company shall have served twelve years, he shall receive a discharge from the incorporation, signed by the president, and shall thereafter be exempt from further military duty, except in cases of invasion. Fire-engine companies.
Members of companies exempt from military duty.
Term of service.

SEC. 16. That all lots or parcels of ground in said town which have been conveyed, by the original proprietors thereof or other persons, to the inhabitants of said town in their aggregate capacity, or to any person or persons in trust for them or for their use and benefit, all funds raised or to be raised by the sale of donation lots or otherwise, whether for the erection of school-houses, academies, or places of public worship, are hereby declared to belong to and be vested in said corporation, and shall be under the management and direction of the trustees aforesaid and their successors, and applied in furtherance of the objects intended by the proprietors. Academies.

Trustees may sue. or donors thereof; and the said trustees shall have power to institute suits for the recovery of every or any such lots or parcels of ground, should it be necessary, and to perfect in them and their successors the title thereof, or to make such other adjustment relative thereto as to them shall seem expedient and proper.

Notice of meetings. **SEC. 17.** That it shall be the duty of the board of trustees, in such manner as they may hereafter provide, to give notice of all town meetings to be held, whether for the election of trustees or any other purpose arising under the provisions of this act, by posting the same in three of the most public places in said town, or by printing as aforesaid, and stating therein the object of such meeting: *Provided, however,* That not less than three days' notice of any such meeting shall in any case be given, except in cases of emergency.

Proviso. **SEC. 18.** That the members of the board of trustees and every officer of said corporation shall, before entering on the duties of his officer, take an oath or affirmation before some judge or justice of the peace, to support the constitution of the United States and of this State, and faithfully to discharge the duties of their several officers.

Officers to be sworn. **SEC. 19.** That the trustees may have power to divide said town into such number of wards as to them shall seem expedient and proper: *Provided, however,* That no stock belonging to citizens without the boundaries of said town shall be hurt or injured by the authority of said corporation.

Town may be divided. **SEC. 20.** All fines, penalties, and forfeitures imposed by the ordinances of the president and trustees of the town of Danville, or by this act, shall be recovered, in the name of the president and trustees of the town of Danville, before any justice of the peace residing in the said town; and when the amount of the fine, penalty, or forfeiture is not specifically defined by ordinance, or by this act, the court trying the case shall say what the amount shall be, and execution shall issue forthwith and be levied on the goods and chattels of the person or persons convicted, to be found in the county of Vermilion; and if no goods and chattels be found upon which to levy, a *ca. sa.* may be issued against the body of any delinquent offender or offenders, who shall be imprisoned in the county jail twenty-four hours for a fine of five dollars or less; forty-eight hours for a fine of ten dollars; and not less than five dollars and twenty-four hours for each additional five dollars as aforesaid.

Fines and forfeitures. **SEC. 21.** The president and trustees of the town of Danville shall have power to pass any ordinance for the government of said town, for the preservation of the peace, good order, security, &c., not repugnant to the laws of this State; and all ordinances and acts passed by the president and trustees aforesaid shall be obligatory upon and cognizable by the several courts of this State, and justices, sheriffs, and constables in the county of Vermilion, and all other persons within

Ordinances.

the limits of said town, to all intents and purposes, as the acts of the General Assembly of the State of Illinois; and it shall be the duty of all officers aforesaid to complain before any justice of the peace as aforesaid, under oath, of any violation of the laws of said corporation which may come to their knowledge; and it shall be competent for any person to lodge a complaint for any violation of the said laws, without an oath being required by said justice, whose duty it shall be forthwith to require the party so violating to appear before him.

SEC. 22. All funds in the hands or which may come to the hands of the late trustees of said town are hereby declared to be vested in the trustees hereby appointed; *Provided*, That if a majority of the legal voters within the limits of said corporation shall, at the first regular election for trustees of said town, vote against being incorporated under this act, then this act shall be void to all intents and purposes: *And provided, further*, that a majority of the legal voters of said corporation shall have power, at any regular election of trustees, to dissolve the same.

Funds with present trustees to be paid over.
Proviso.

Proviso.

This bill having remained with the Council of Revision ten days, and the General Assembly being in session, it has become a law this 3d day of February, 1839.

Certificate
Sec. of State.

A. P. FIELD, *Secretary of State.*

AN ACT to amend "An act to extend the corporate powers of the town of Peoria," approved January 21, 1837.

In force, Feb. 26, 1839.

SEC. 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 trustees of the town of Peoria to cause to be paid over and refunded to the purchaser or purchasers of any lot or lots sold for the non-payment of taxes assessed thereon, that may be redeemed under the provisions of the 10th section of the act to which this is an amendment, the amount of purchase and redemption money, except the amount of tax, interest, and cost for which the same was sold.

Duty of trustees.

Act referred to.

SEC. 2. The next general election for trustees of said town of Peoria shall be held on the last Monday in November next; and every annual election for trustees thereafter shall be held on the last Monday in November. The present board of trustees of said town shall hold their offices until the first Monday in December next; at which time the new board that may be elected on the said last Monday in November shall be required to enter upon the discharge of the duties of their office, and continue in office for one year, and until their successors are elected and qualified.

Annual election of trustees.

Term of office

SEC. 3. The eleventh section of the act to which this is an amendment, and so much of the fourth section of the same as requires the trustees to be elected on the last Monday in July, is hereby repealed.

Parts of acts repealed.

APPROVED, February 26, 1839.