

Dane, (now
Christian co.)

In the County of *Dane*, on the first Mondays of June, and fourth Mondays in October.

Logan.

In the County of *Logan*, on the Thursdays after the first Mondays in June, and the Thursdays after the fourth Mondays in October.

Menard.

In the County of *Menard*, on the second Mondays in June, and first Mondays in November.

Writs and
process.

SEC. 2. All writs, or other process which may have been issued out of any of said courts since the last term of the same, or which may hereafter be issued previous to this act being received by the clerks of said courts respectively, shall be deemed and are hereby made returnable on the first day of the next term thereof, to be held by virtue of this act; and all proceedings, both civil and criminal, which are now pending therein, shall be disposed of according to law in the same manner as if no alteration had been made in the times of holding said courts.

APPROVED, Feb. 1st, 1840.

AN ACT to incorporate the city of Springfield.

ARTICLE I.

Boundaries and general powers.

Body politic
and corpo-
rate.

Name and
style.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the inhabitants of the town of Springfield, 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 City of Springfield, 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.

SEC. 2. All that district of country enclosed within the following boundaries, to wit: Being in Sangamon county and State of Illinois, one mile square; the State House is [being] the centre of [said city of Springfield.]

City to be di-
vided into
wards.

SEC. 3. The President and Board of Trustees of the town of Springfield, shall on or before the first day of March next, or as soon thereafter as practicable, divide the said city of Springfield into four wards, as nearly in population as practicable, particularly describing the boundaries of each.

What lands
may be an-
nexed to.

SEC. 4. Whenever any tract of land adjoining the city of Springfield shall or may 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 city of Springfield.

Powers.

SEC. 5. The inhabitants of said city, by the name and style aforesaid, shall have power to sue and be sued, to implead and be impleaded, defend and be defended in all courts of law and equity, and in all actions whatever. To purchase, receive and hold property, real and personal, beyond the city, for burial grounds, as for other public purposes, for the use of the inhabitants of said city. To sell, lease, convey or dis-

pose of property real and personal for the benefit of the city, and to improve and protect such property, and to do all other things in relation thereto as natural persons.

ARTICLE II.

Of the City Council.

SEC. 1. There shall be a City Council, to consist of a Mayor and Board of Aldermen.

Mayor and Aldermen.

SEC. 2. The Board of Aldermen shall consist of one member from each ward, to be chosen by the qualified voters for two years.

SEC. 3. No person shall be an Alderman unless at the time of his election he shall have resided six months within the limits of the city, and shall be at the time of his election a bona fide free-holder in said city, and twenty-one years of age, and citizen of the United States.

Qualifications of Aldermen.

SEC. 4. If any Alderman shall after his election, remove from the ward for which he is elected, or cease to be a free-holder in said city, his office shall thereby be vacated.

Office when vacant.

SEC. 5. At the first meeting of the City Council the Aldermen shall be divided by lot into two classes, the seats of those of the first class shall be vacated at the expiration of the first year, and of the second class at the expiration of the second year, so that one-half of the Board shall be elected annually.

Classes of Aldermen.

SEC. 6. The City council shall judge of the qualifications, elections, and returns of their own members, and shall determine all contested elections.

Elections and returns.

SEC. 7. A majority of the city council shall constitute a quorum to do business, but a smaller number may adjourn from day to day, and compel the attendance of absent members under such penalties as may be prescribed by Ordinance.

Quorum.

SEC. 8. The city council shall have power to determine the rule of its proceedings, punish its members for disorderly conduct, and with the concurrence of two-thirds of the members elected, expel a member.

Expulsion of members.

SEC. 9. The city council shall keep a journal of its proceedings, and from time to time, publish the same, and the yeas and nays when demanded by any member present, shall be entered on the Journal.

Journal of proceedings.

SEC. 10. No Alderman shall be appointed to any office under the authority of the city, which shall have been created or the emoluments of which shall have been increased during the time for which he shall have been elected.

Aldermen may not hold offices under city.

SEC. 11. All vacancies that shall occur in the Board of Aldermen, shall be filled by election.

Vacancies.

SEC. 12. The Mayor and each Alderman, 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."

Oaths of office

Tie, how determined.

SEC. 13. Whenever there shall be a tie in the election of Aldermen, the Judges of election shall certify the same to the Mayor, who shall determine by lot in such manner as shall be provided by ordinance.

Stated meetings.

SEC. 14. There shall be twelve stated meetings of the city council in each year, and at such times and places as may be prescribed by ordinance.

ARTICLE III.

Of the chief Executive officers.

Mayor, how elected.

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

Qualifications for Mayor.

SEC. 2. No person shall be eligible to the office of Mayor, who shall not have been a resident of the city for one year next preceding his election, or who shall be under twenty-one years of age, or who shall not at the time of his election be a bona fide freeholder in said city, and a citizen of the United States.

Office of Mayor.

SEC. 3. If any Mayor shall, during the time for which he shall have been elected, remove from the city, or shall cease to be a freeholder in said city, his office shall be vacated.

When vacant.

Tie, for Mayor.

SEC. 4. When two or more persons shall have an equal number of votes for Mayor, the Judges of election shall certify the same to the city council, who shall proceed to determine the same by lot in such manner as may be provided for by ordinance.

Contested election.

SEC. 5. Whenever an election of Mayor shall be contested, the city council shall determine the same, in such manner as may be provided by ordinance.

Vacancy, how filled.

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

ARTICLE IV.

Of Elections.

First election.

Annual election.

SEC. 1. On the third Monday of April next, one election shall be held in each ward of said city, for one Mayor for the city, one alderman from each ward, and forever thereafter, on the third Monday of April after, each year there shall be an election held for one Mayor for the city, and two aldermen from two of the wards, the first election held for Mayor and Aldermen shall be held, conducted, and returns thereof [made] as may be provided by ordinance of the present Trustees of the town of Springfield.

Qualifications of voters.

SEC. 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 shall have been actual residents of said city six months next preceding said election, shall be entitled to vote for city officers: *Provided*, That said voters shall give their votes for Mayor and aldermen in wards in which they respectively reside, and in no other; and

Proviso.

that no vote shall be received, at any of said elections, unless the person offering such vote, shall have been an actual resident of the ward where the same is offered, at least ten days next preceding such election.

ARTICLE V.

Of the Legislative powers of the city council.

SEC. 1. The city council shall have powers and authority to levy and collect taxes upon all property, real and personal, within the city, not exceeding one-half per cent. per annum upon the assessed value thereof, and may enforce the payment of the same in any manner prescribed by ordinance not repugnant to the Constitution of the United States and of this State. Tax to be levied.

SEC. 2. The city council shall have power to require of all officers appointed in pursuance of this charter, bonds with penalty and security for the faithful performance of their respective duties as may be deemed expedient, and also to require all officers appointed as aforesaid to take an oath for the faithful performance of the duties of their respective offices upon entering upon the discharge of the same. Officers to give bond and take oath.

SEC. 3. To establish, support, and regulate common schools, To borrow money on the credit of the city: *Provided*, That no sum or sums of money shall be borrowed at a greater interest than six per cent. per annum, nor shall the interest on the aggregate of all the sums borrowed and outstanding ever exceed one-half of the city revenue arising for taxes assessed on real property within the corporation. Common schools. Proviso.

SEC. 4. To make regulations to prevent the introduction of contagious diseases into the city, to make quarantine laws for that purpose, and enforce the same. Contagious diseases. Quarantine laws.

SEC. 5. To appropriate and provide for the payment of the debt [and] expenses of the city. Expenses of city.

SEC. 6. To establish hospitals, and make regulations for the government of the same.

SEC. 7. To make regulations to secure the general health of the inhabitants, to declare what shall be a nuisance, and to prevent and remove the same. Health of inhabitants.

SEC. 8. To provide the city with water, to dig wells and erect pumps in the streets for the extinguishment of fires, and convenience of the inhabitants. Wells and pumps.

SEC. 9. To open, alter, widen, extend, establish, grade, pave, or otherwise improve and keep in repair streets, avenues, lanes and alleys. Improvement of streets.

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

SEC. 11. To divide the city into wards, and specify the boundaries thereof, and create additional wards, as the occasion may require. Wards and boundaries.

SEC. 12. To provide for lighting the streets and erecting lamp posts. Lamps and posts.

SEC. 13. To establish, support, and regulate night watches. Night watchmen.

- Markets.** SEC. 14. To erect market houses, establish markets, and market places, and provide for the government and regulation thereof.
- Buildings.** SEC. 15. To provide for erecting all needful buildings for the use of the city.
- Public grounds.** SEC. 16. To provide for enclosing, improving, regulating all public grounds belonging to the city.
- To license and tax merchants, &c.** SEC. 17. To license, tax, regulate auctioneers, merchants and retailers, grocers, taverns, ordinaries, hawkers, pedlars, brokers, pawn brokers, and money changers.
- Carriages, drays, &c.** SEC. 18. To license, tax and regulate hacking, carriages, wagons, carts and drays, and fix the rates to be charged for the carriage of persons, and for the wagonage, cartage, and drayage of property.
- Porters and portorage.** SEC. 19. To license and regulate porters and fix the rates of portorage.
- Exhibitions.** SEC. 20. To license and regulate theatrical and other exhibitions, shows and amusements.
- Disorderly houses.** SEC. 21. To tax, restrain, prohibit and suppress, tipling houses, dram shops, gaming houses, bawdy and other disorderly houses.
- Fire companies.** SEC. 22. To provide for the prevention and extinguishment of fires, and to organize and establish fire companies.
- Chimneys, flues, & pipes.** SEC. 23. To regulate the fixing of chimneys and the flues thereof, and stove pipes.
- Combustible materials.** SEC. 24. To regulate the storage of gunpowder, tar, pitch, rosin, and other combustible materials.
- Walls and fences.** SEC. 25. To regulate and order parapet walls and partition fences.
- Weights and measures.** SEC. 26. To establish standard weights and measures, and regulate the weights and measures to be used in the city, in all other cases not provided for by law.
- Lumber and materials.** SEC. 27. To provide for the inspection and measuring of lumber and other building materials: and for the measurement of all kinds of mechanical work.
- Inspection of hay, lime, &c.** SEC. 28. To provide for the inspection and weighing of hay, lime, and stone coal, the measuring of charcoal, fire wood, and other fuel, to be sold or used within the city.
- Beef, pork, &c.** SEC. 29. To provide for and regulate the inspection of tobacco, and of beef, pork, flour, meal, and whiskey in barrels.
- Weight of bread.** SEC. 30. To regulate the weight, quality, and price of bread sold and used in the city.
- Census.** SEC. 31. To provide for taking the enumeration of the inhabitants of the city.
- Removal of officers.** SEC. 32. To regulate the election of city officers, and provide for removing from office any person holding an office created by ordinance.
- Jurors and witnesses fees.** SEC. 33. To fix the compensation of all city officers and regulate the fees of jurors, witnesses and others, for services rendered under this act or any ordinance.
- City police.** SEC. 34. To regulate the police of the city, to impose fines, and forfeitures and penalties, for the breach of any ordi-

nance, and provide for the recovery and appropriation of such fines and forfeitures, and the enforcement of such penalties. Fines and forfeitures.

SEC. 35. The city council shall have exclusive power within the city, by ordinance, to license, regulate, and suppress and restrain, billiard tables, and from one to twenty pin alleys, and every other description of gaming or gambling. Billiard tables, &c.

SEC. 36. The city council shall have power to make all ordinances which shall be necessary and proper for carrying into execution the powers specified in this act, so that such ordinance be not repugnant to, nor inconsistent with, the constitution of the United States or of this State. Ordinances.

SEC. 37. The style of the ordinances of the city shall be: "Be it ordained by the city council of the city of Springfield." Style of.

SEC. 38. All ordinances passed by the city council shall, within one month after they shall have been passed, be published in some newspaper published in the city, and shall not be in force until they shall have been published as aforesaid. When to take effect.

SEC. 39. All ordinances of the city may be proven by the seal of the corporation, and when printed and published by authority of the corporation, the same shall be received in evidence in all courts and places without further proof. How proven.

ARTICLE VI.

Of the Mayor.

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

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

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

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

SEC. 5. He shall have power whenever he may deem it necessary to require of any of the officers of the said city an exhibit of his books and papers. Fines for refusal.

SEC. 6. He shall have power to execute all acts that may be necessary to extend all arts. To extend all arts.

be required of him by any ordinance made in pursuance of this act.

Mayor commissioned as justice peace.

Powers.

Exclusive jurisdiction.

Fees.

Salary of Mayor.

Mayor may be indicted for mal-conduct.

Where private property taken to open streets.

Petition by owners for widening streets.

Damages, how assessed.

SEC. 7. He shall be commissioned by the Governor as a justice of the peace for said city and county, and as such shall be a conservator of the peace in the said city; and shall have power and authority to administer oaths, issue writs and processes under the seal of the city, to take depositions, the acknowledgements of deeds, mortgages, and all other instruments of writing, and certify to the same under the seal of the city, which shall be good and valid in law.

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

SEC. 9. He shall also have such jurisdiction as may be vested in him by ordinance for the purpose of enforcing the health and quarantine ordinances and regulations thereof, and he shall receive for his services such salary as shall be fixed by ordinance of the city.

SEC. 8. [10.] In case the mayor shall at any time be guilty of palpable omission of duty, or shall wilfully and 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 Sangamon county, and on conviction; he shall be fined not more than two hundred dollars; and the court shall have power, on recommendation of the jury, to add to the judgment of the court, that he be removed from office.

ARTICLE VII.

Proceedings in Special Cases.

SEC. 1. When it shall be necessary to take private property, for opening, widening, or altering any public streets, lanes, 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 upon, the mayor shall cause the same to be ascertained by a jury of six disinterested freeholders of the city.

SEC. 2. When the owner [s] of all the property and [on any] street, lane, avenue, alley, proposed to be opened, widened or altered, shall petition therefor, the city council may open, widen, or alter such street, lane, avenue, or alley, upon condition to be prescribed by ordinance, but no compensation shall in such case be made to those whose property shall be taken, for opening, 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.

SEC. 3. All persons empannelled to enquire into the amount of benefits or damages which shall happen to the owners of property proposed to be taken for opening, widening, or altering any street, lane, avenue, or alley, shall be first sworn to that

effect, and shall return to the mayor their inquest in writing, and signed by the Jurors.

SEC. 4. In ascertaining the amount of compensation for Benefits and 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 streets, lanes, avenues, or alleys. ^{injuries.}

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

SEC. 6. The city council shall have power by ordinance to levy and collect a special tax on the holders of the lots in any street, lane, avenue, or alley, or part of any street, lane, avenue, or alley, according to their respective fronts owned by them, for the purpose of paving and grading the side walks, and lighting such streets, lanes, avenues, or alleys. ^{Special tax to improve streets.}

ARTICLE VIII.

Miscellaneous Provisions.

SEC. 1. The inhabitants of the city of Springfield are hereby exempted from working on any road beyond the limits of the city, and from paying any tax to procure laborers upon the same, and from any tax for county purposes except upon real estate: *Provided*, The corporation shall support and provide for all the resident paupers of said city, and pay the expenses of the circuit court in all criminal cases arising out of the offences of any citizen of said city, as also jail fees which may accrue therefrom, viz: boarding and lodging of criminals, or charges that may be just and equitable. ^{Citizens exempt from road and county tax.}

SEC. 2. The city council shall have power for the purpose of keeping the streets, lanes, avenues, or alleys in repair, and require any male inhabitants in said city of twenty one years of age to labor on said street, lane, avenue, or alleys, not exceeding three days in each and every year; and any person failing to perform such labor when duly notified by the supervisor, shall forfeit and pay not to exceed one dollar per day for each day so neglected or refused. ^{Labor on streets.}

SEC. 3. The city council shall have power to provide for the punishment of offenders, by imprisonment in county or city jail in all cases when such offenders shall fail or refuse to pay the fines and forfeitures which may be recovered against them. ^{Punishment of offenders.}

SEC. 4. The city council shall cause to be published annually, a full and complete statement of all moneys received and expended by the corporation during the preceding year, and on what account received and expended. ^{Annual statements.}

SEC. 5. All ordinances and resolutions passed by the president and trustees of the town of Springfield shall remain in force until the same shall have been repealed by the city council hereby created: *Provided*, No contract or agreement shall be affected thereby. ^{Ordinances of trustees in force.}

SEC. 6. All suits, actions, and prosecutions, instituted, com- ^{Suits and ac-}

tions, how
prosecuted.

menced, or brought by the corporation hereby created, shall be instituted, commenced, and prosecuted in the name of the city of Springfield.

Fines, &c. ac-
cruing—how
vested.

SEC. 7. All actions, fines, penalties, and forfeitures, which have accrued to the president and trustees of the town of Springfield, shall be vested in, and prosecuted by, the corporation hereby created.

Property of
town vested in
city.

SEC. 8. All property, real and personal, heretofore belonging to the president and trustees of the town of Springfield for the use of the said inhabitants of said town, shall be, and the same is hereby, declared to be vested in the corporation hereby created.

Charter not to
invalidate
acts of town.

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

Duty of trust-
ees of town to
issue procla-
mation.

SEC. 10. The President and trustees of the town of Springfield shall, immediately after the passage of this law, within the limits of the city of Springfield, issue their proclamation for the election of officers, and cause the same to be published in all the newspapers in said city, for four weeks in succession prior to the day of election for said officers.

Appeals al-
lowed.

SEC. 11. Appeals shall be allowed from the decision in all cases arising under the provisions of this act, or any ordinance passed in pursuance thereof, to the circuit court of Sangamon county, and every such appeal shall be taken and granted in the same manner and like effect as appeals are taken from, and granted by, justices of the peace to the circuit court under the law of this state.

Office of May-
or when vac-
ant filled by
Mayor pro
tem.

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

Act declared
public.

SEC. 13. This act is hereby declared to be a public act, and may be read in evidence in all courts of law and equity in this state without proof.

Acts repealed.

SEC. 14. All acts or part of acts coming within the provisions of this charter, or contrary to or inconsistent with its provisions, are hereby repealed.

Jurisdiction
of city mar-
shall and offi-
cers.

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

Act to be pub-
lished.

SEC. 16. It shall be the duty of the president and trustees of the town of Springfield, immediately after the passage of this act, to cause the same to be published two weeks in succession in two of the public journals printed in said town, and thereafter give notice for a public meeting of the legal voters of said town, who shall have been resident citizens thereof

Meeting of le-
gal voters.

at least six months preceding said meeting, to be held at the court house on the first Monday of April next, for the purpose of then and there voting for the adoption or rejection of this act. The majority of the legal voters there present shall determine the adoption or rejection of the same; *Provided*, That any subsequent meeting, like notice being given as aforesaid, the same may be adopted and take effect immediately thereafter.

Time when to adopt or reject this act.

Proviso.

APPROVED by the Council, Feb. 3, 1840.

AN ACT in relation to the State Bank of Illinois.

In force Jan. 31, 1840.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That the State Bank of Illinois is hereby revived, and the forfeiture of its charter for refusing to pay for its notes, or other evidences of debt, in specie, is hereby set aside; and said bank is hereby authorized to transact all business as a body corporate, in as full and complete a manner as she might have done if said bank had not suspended specie payments; and every provision of law requiring or authorizing proceedings against said bank, with a view to forfeit its charter, or wind up its concerns, or which requires said bank to suspend its operations and proceedings in consequence of its refusal to pay its notes, and other evidences of debt, in specie, is hereby suspended, until the close of the next session of the General Assembly of the State of Illinois: *Provided, however*, That to secure the benefit of the foregoing provisions, the said bank shall agree to conform to, and comply with, the following conditions, restrictions, and limitations, to wit:

Charter of State Bank revived.

Time of revival of charter. Proviso.

First. The said bank shall not hereafter make any loan on an hypothecation of the stock of the bank.

First.

Second. That it will not, directly or indirectly, during its suspension of specie payments, sell, dispose of, or part with, any of its specie, or gold or silver bullion, except for the purposes of change, to the amount of five dollars, or under the sum of five dollars.

Second.

Third. That it will furnish monthly, to the Executive of the State, a full and complete statement of the condition and financial operations of said bank, and its branches, verified by the oath of [the] president or cashier of said bank, which statement shall be published in the newspaper of the Public Printer.

Third.

Fourth. That it will not, either directly or indirectly, issue, or put into circulation, during the period of its suspension of specie payments, any bank bill, or note, or any evidence of debt, by which its circulation will be increased beyond the amount of the capital stock actually paid in.

Fourth.

Fifth. That it will receive, upon deposit, any funds belonging to the State, which may be required to be so deposited,

Fifth.