

An ACT to incorporate the town of Galesburg, in Knox county .

In force, Jan.  
27, 1841.

SEC. 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the individuals and residents of the town of Galesburg, in Knox county, in the State aforesaid, are hereby made a body corporate and politic, in law and in fact, by the name and style of the "President and Trustees of the town of Galesburg;" and by that name shall have perpetual succession; and may have and use a common seal, which they may alter or revoke at pleasure; and in whom the government of said corporation shall be vested, and by whom its affairs shall be managed.

Body politic.

By whom managed.

SEC. 2. That all that section of country contained in the south half of section ten, the north half of section fifteen, the north-east quarter of section sixteen, the south-east quarter of section nine, the south-west quarter of section eleven, and the north-west quarter of section fourteen, in township number eleven north of the base line, of range number one east of the fourth principal meridian, is hereby declared to be within the boundaries of the town of Galesburg.

Location or boundary.

SEC. 3. That an election shall be held in said town, on the first Monday of April next, for the purpose of electing five trustees—to hold their offices one year and until their successors are elected and qualified; and forever thereafter an election shall be holden on the first Monday of April, annually, for not less than five trustees nor more than nine, as the trustees or inhabitants of said town may desire, after the first election; and public notice of the time and place of holding said election shall be given by the president and trustees, by an advertisement, published in a newspaper in said town, or by posting up, in four of the most public places in said town, at least ten days before the election. No person shall be a trustee of said town, who has not arrived at the age of twenty-one years; who has not resided in said town six months, next preceding his election. All free white 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 body president; and shall have power to fill all vacancies in said board, which may be occasioned by death, resignation, removal, or six months absence from the town.

Elections, when held.

Five trustees to be elected annually.

Notice of election to be given.

Qualification of trustees.

Who are entitled to vote.

Vacancies, how filled.

SEC. 4. At the time of electing trustees, as aforesaid, there shall also be elected one clerk, one assessor, one treasurer, and one supervisor, and such other officers as the board of trustees may deem necessary—who shall, respectively, enter into bond, in such penalty and under such restrictions as the board of trustees may direct; and after the first election for trustees and other officers, the board of trustees shall be judges of the qualifications, elections and returns of their own members and such other interior officers as may be elected; a majority shall

Clerk, assessor, treasurer and supervisor elected.

Judges of election.

**Attendance of absent members.** 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 proceeding, and make such other rules and regulations, for their own government and that of the inferior officers, as to them may seem proper and expedient.

**Penalties.**

**Trustees to levy and collect taxes.** **SEC. 5.** That the board of trustees shall have power to levy and collect taxes, upon all real estate within the town and limits of the corporation, not exceeding one per centum upon the assessed value thereof; to make regulations to secure the general health of the inhabitants; to prevent and remove nuisances; to provide for licensing and taxing taverns, stores, groceries, auctioneers, theatrical and other shows, within the corporation; to prohibit and restrain gambling houses, bawdy houses, and other disorderly houses; to build market houses, to regulate the same; to open and keep in repair streets, lanes, alleys, drains and sewers, and to keep the same clear; 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 to impose and appropriate fines and forfeitures for the breach of any ordinance, and provide for the collection thereof. And that in all cases arising under this act, or growing out of the by-laws and 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 any such decision, in the same manner as is now or hereafter may be provided by law for appealing from judgments of justices of the peace: *Provided, however,* That the said trustees shall, in no case, levy and collect a tax upon any lands, until the same shall have been laid off into town lots and recorded.

**Powers.**

**Writs of certiorari to be had.** **SEC. 6.** That upon the application of the owners of two-thirds of the front lots, on any street or parts of a street, it shall be lawful for the board of trustees to levy and collect a special tax, on the owners of the lots on such street or parts of a street, according to their respective fronts, not to exceed one per cent., for the purpose of grading and paving the side walks on said streets.

**Application of owners of lots.**

**SEC. 7.** 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 corporation, and to extend, open and widen the same—making the person or persons injured thereby, adequate compensation, to ascertain which, the said board shall cause to be summoned six good and lawful men, freeholders and citizens 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 injury which may accrue, and estimate and assess the damages which would be sustained by reason of the opening,

**Powers.**

extending or widening of any street, avenue, lane or alley; and shall, moreover, estimate the amount which other persons will be benefited 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 which shall be benefited, and so assessed, shall pay the same, in such manner as shall be provided by the board of trustees; and the residue, if any, shall be paid out of the town treasury. The board of trustees shall have power to pass such by-laws or ordinances, from time to time, as to them may seem expedient, and not inconsistent with any public law of this State, as the good of the citizens of said town may require.

SEC. 8. That all ordinances of said trustees shall be fairly written out, signed by the clerk, and published in a newspaper printed in the town or posted up at three of the most public places in said town, and no ordinance shall be in force until published as aforesaid. The board of trustees shall also provide a well bound book, or books, in which a fair and correct record of all ordinances and other proceedings shall be faithfully recorded by the clerk of said corporation, and signed by the president of the board of trustees, and shall be open at all times for inspection and examination by the citizens of said town.

Ordinances to be written out

Record to be kept.

SEC. 9. That the board of trustees are also vested with power to declare what shall be considered a nuisance within said town, and incorporated limits, to prevent the running and indecent exhibition of horses within the bounds of said town; to provide for the trial and punishment of persons who may be engaged in assaults, assaults and batteries, and affrays within the limits of said corporation; and to provide that such punishment may be inflicted for any offence against the laws, or ordinances of the corporation as is or may be provided by law for like offences against the laws of this State: *Provided*, That no person shall be deprived of the right of the trial by a jury in any case where such person would be entitled to a trial by a jury, for a like offence against the laws of the State.

Powers.

Proviso.

SEC. 10. The board of trustees shall have power to adopt such modes and means for the assessment and collection of taxes, as they may from time to time fix upon and determine, and to prescribe the manner of selling property, when the taxes levied upon it are not paid: *Provided, however*, That no sale of any town lots or other real estate shall be made until public notice of the time and place shall be given by advertisement in a newspaper or by posting up written notices in three of the most public places in said town, at least twenty days previous to any such sale for taxes.

Taxes.

Proviso.

SEC. 11. That when any town lot or lots, or real estate shall be sold for taxes, by virtue of this act, the same may be redeemed at any time within two years from the date of sale,

Redemption of lots.

by the owner of said property, his or her heirs, or assigns, agents, administrators or executors, paying to the treasurer of said town for the use of the purchaser of said property the full amount of purchase money, with interest at the rate of fifty per cent. per annum, together with the costs accruing thereon.

Oath to be taken.

SEC. 12. That the members of the board of trustees and every other officer of said corporation, shall, before entering on the duties of their office, respectively 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 demean themselves in office.

Constable to be elected.

SEC. 13. That there shall be one town constable elected, at the same time and place of electing trustees and other officers, who shall hold his office for one year and until his successor is elected and qualified, who shall be authorized and required to execute all writs, process and precepts, which may be issued against persons for the violation of the laws or ordinances of the corporation; and to arrest on view, all persons who may violate such laws or ordinances, to collect all fines, forfeitures and penalties which may be assessed or recovered for the use of the corporation; said constable shall enter into bond and security in such sum as the trustees of said corporation may think proper, and payable to the trustees of said corporation.

Justice's district

SEC. 14. That all that district of country included within the corporate limits of said town, be, and the same is hereby constituted into a district for the election of a justice of the peace.

Duties of com'rs. of Knox co.

SEC. 15. That the county commissioners' court of the county of Knox, are hereby authorized and required to cause an election to be held hereafter as soon as practicable, and at each quadrennial election thereafter, for one justice of the peace, in said district. The justice of the peace elected shall hold his office until the next general election for justice of the peace, at which time his successor shall be elected as in other cases; and the person so selected, shall have and exercise the same jurisdiction, hold his office by the same tenure and be under the same regulations in all respects as other justices of the peace of this State.

Powers.

SEC. 16. That the board of trustees, for the purpose of keeping the streets and alleys in said town, and incorporated limits, and the public roads passing from and through the centre of said town in good repair, are authorized to require every male resident of said town and incorporated limits, over the age of eighteen years, to labor in said streets, alleys, and roads, not less than one, nor more than three days in each year, and any person who shall be notified by the street inspector to perform such labor so assessed as herein provided, and shall fail or neglect to perform the same, shall forfeit and

pay the sum of one dollar for each day's labor neglected to be performed; and the street inspector in said town is hereby authorized to prosecute such delinquent persons in the name of the president and trustees of the town of Galesburg, before any justice of the peace in said county, and said street inspector shall be a competent witness against said delinquent, and in case of default as aforesaid, the justice of the peace shall enter up judgment against said delinquent for the amount so forfeited, with costs of suit, and issue execution forthwith.

SEC. 17. That it shall be the duty of any justice of the peace, residing in said town, and he is hereby authorized and empowered, on complaint being made to him, on oath, of the violation of any law or ordinance of the corporation, or upon view, to issue his warrant, directed to the town constable or any other authorized officer, to apprehend the offender or offenders, and bring him or them forthwith before him, and after hearing the evidence, if it shall appear that the accused has been guilty of the violation of any such law, or ordinance of the corporation to impose such fine as shall be provided in such law or ordinance: *Provided*, Such fine shall not exceed fifty dollars.

SEC. 18. That the said trustees are hereby made capable in law to take and hold to themselves and their successors, any lands, tenements, hereditaments and the rents, issues, and profits thereof, which may be necessary for the erection of any market-house, and other public buildings, to promote the interest and public good of the citizens of said town, and the same to sell, grant, and dispose of if necessary, and to sue and be sued, plead and be impleaded, answer and be answered, in any court or place whatever; and all suits and judicial proceedings under this act, shall be brought in the name and style of "The President and Trustees of the town of Galesburg."

SEC. 19. That justices of the peace and constables who are required to 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 provided by law.

SEC. 20. That the town constable as provided for in the thirteenth section of this act, shall have and possess, the same powers, and perform the same duties in other respects as the constables in the different districts in the county possess, who shall give sufficient bonds accordingly, to be approved of by the board of trustees.

SEC. 21. This act shall be deemed and taken to be a public act.

*Approved, January 27, 1841.*