

An ACT to repeal "An act to incorporate the town of Juliet, and define its boundaries."

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 act, entitled "An act to incorporate the town of Juliet, and define its boundaries," approved, March first, one thousand eight hundred and thirty-seven, shall be, and the same is hereby repealed.

Act repealed.

SEC. 2. The present board of trustees of the said town are authorized to settle all the accounts, debts or demands, either in favor of or against the corporation of the said town of Juliet; and for this purpose, and no other, they shall be capable of suing and being sued, as under the provisions of the act which is hereby repealed.

Trustees shall
settle acc'ts.

Approved, January 27, 1841.

An ACT to incorporate the town of Macomb.

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 following is declared the boundaries of the town of Macomb, in McDonough county, that is to say: One square mile, laid out by lines running due north and south, east and west, and the centre of the public square, in said town of Macomb, to be the centre of said square mile. And the inhabitants of said town, and all within said boundaries, shall be, and are hereby constituted a body politic and corporate, by the name and style of the "President and Trustees of the town of Macomb;" 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, in all matters and actions whatsoever—grant, purchase, receive and hold property, both real and personal, within said town of Macomb, and no other, (burial grounds excepted,) and may lease, sell and convey, and dispose of the same, for the benefit of said town; and may lease any of the reserved lands which have been appropriated by the original proprietors to the use of said town; and may borrow and expend money, for the improvement of said town; and may do all other acts as natural persons; may have a common seal, and may break or alter the same at pleasure.

Boundary of
corporation.

May grant,
purchase and
hold property

May lease
lands.

SEC. 2. The corporate powers and duties of said town shall be vested in five trustees, to be chosen and appointed as hereinafter provided, who shall form a board, for the transaction of business.

Five trustees
to be chosen.

SEC. 3. The members, composing the board of trustees, shall be elected by persons residing within the said town and incorporated limits, to serve for one year, and until their successors shall be elected and qualified; they shall be at least twenty-one years of age, and inhabitants of said incorporated limits three months, next preceding said election.

Board of trustees
to hold
their offices
for one year.

SEC. 4. The board of trustees shall appoint their president and all other officers of their board, and shall be judges of the qualifications of voters, elections and returns of their own members; a majority shall constitute a board, to do business, but a smaller number may adjourn from day to day, and may compel the attendance of absent members, in such manner and under such penalties as the board may provide; they may determine the rules of proceeding, punish their members for disorderly conduct, and by the concurrence of two-thirds of the whole number elect, expel a member; and make such other rules and regulations, for their own government, not inconsistent with the Constitution and laws of this State; and to fill vacancies in said board, as to them may seem proper and expedient.

SEC. 5. The board of trustees shall have power, by ordinance, to levy and collect taxes upon all real and personal property within the town and limits of the corporation, not exceeding one-half of one per centum per annum upon the assessed value thereof; to make regulations to secure the general health of the inhabitants; to prevent and remove nuisances; to establish night watches; to erect lamps in the streets, and lighting the same; to license theatrical and all other shows and amusements; to restrain and prohibit gaming houses, bawdy houses, and other disorderly houses; to establish and repair bridges; to build a market house; to establish and regulate markets; to open and keep in repair streets, avenues, lanes, alleys, drains, sewers and culverts, and to keep the same clean; to provide for the prevention and extinguishment of fires; to dig wells and erect pumps, in the square or streets or both, for the convenience of the inhabitants; to regulate the police of said town; to regulate the compensation of the town officers; and, from time to time, to pass such ordinances as may be necessary to carry into effect the objects of this act and the powers hereby granted; and to impose fines and forfeitures for the breach of any ordinance or by-laws, and provide for the collection of the same. And that in all cases arising under 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 allowed by law, for appealing from judgments of justices of the peace.

SEC. 6. The board of trustees of said town are vested with the power to declare what shall be considered a nuisance, within said town; to prevent the running and indecent exhibition of horses, within the bounds of said corporation; to provide for the trial and punishment of persons who may be engaged in assaults, assaults and batteries, and affrays, within the limits thereof, and to provide that such punishment may be inflicted by fine, or imprisonment, in the county jail, for any offence against the ordinances of said 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 rights of a trial by jury, in any case where such person would be entitled to a trial by a jury, for a like offence, under the laws of this State: *And provided further*, That no fine rendered under the provisions of this act shall exceed the sum of fifty dollars, nor shall any person be imprisoned for a longer period than ten days. Trial by jury.
Fines not to exceed fifty dollars.

SEC. 7. That upon the application of owners of two-thirds of the front of the lots, on any street, it shall be lawful for the board of trustees to levy and collect a special tax on the property of the owners of said lots on said street or part of a street, according to their respective fronts, for the purpose of grading and paving the side walks of said street or part of a street. Collect a special tax.

SEC. 8. 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 incorporation, and to extend, open and widen the same, making the person or persons injured 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 benefits as the injury which may accrue, and estimate and assess the damage which would be sustained by reason of the opening, extending or widening of any street, avenue, lane or alley; and they shall, moreover, estimate the amount which other persons will be benefited thereby, and shall contribute towards compensating the person or persons injured thereby; all of which shall be returned to the board of trustees, under their hands and seals; and the persons who shall be benefited, and so assessed, shall pay the same, in such manner as shall be provided, and the residue, if any, shall be paid out of the town treasury. Extend, open and widen streets.
Cause twelve lawful men to be summoned.
Estimate the benefits to other individuals.

SEC. 9. All ordinances shall, within one month after they are passed, be published in some newspaper, printed in or near said town, or be posted up in three of the most public places in said town, for two weeks, at least, before taking effect. Ordinances to be published.

SEC. 10. That when any real estate, in said town of Marcomb, shall have been sold by the authority of the corporation thereof, the same shall be subject to redemption, in the same manner as is provided by the authority of this State. Redemption of real estate.

SEC. 11. The members of the board of trustees, and every officer of said corporation, shall, before entering upon the duties of his office, 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. Shall take an oath.

SEC. 12. The board of trustees shall have power to appoint one treasurer, one clerk, one assessor of taxable property

in said town and corporation, one collector of taxes levied on said property, one supervisor of streets, and one town constable, who shall possess the same powers and perform the same duties, within said town, as other constables, and shall be entitled to the same compensation.

SEC. 13. No person residing within the corporate limits of said town shall be required to do any road labor on any road out of the corporate limits aforesaid; but the trustees of said town may require the same quantity of labor to be done by the inhabitants of said town, on the roads, streets, alleys, lanes and avenues, of said town, as they would be required to perform on the road of the county, were said town not incorporated.

SEC. 14. A conviction of any offence under this act or under any by-law or ordinance, made in pursuance of this act, shall be a bar to any similar prosecution by the people for the same offence.

SEC. 15. No person shall be allowed to vote for trustees of said town, unless he be qualified to vote for representatives to the General Assembly: *Provided*, No person shall be allowed to vote for trustees, aforesaid, unless he shall [be] *bona fide* a resident within the corporate limits of said town.

SEC. 16. 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, or his view of the violation of any law or ordinance of said corporation, to issue his warrant, directed to the town constable, or to any authorized officer of the county, 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 said accused has been guilty of a violation of any such law or ordinance of the corporation, to impose such fine as shall be pointed out in such law or ordinance, subject to the provisions of the sixth section of this act.

SEC. 17. The first election of trustees, under this act, shall be held on the first Monday in April, eighteen hundred and forty-one, and an election on the first Monday in April, annually, thereafter; but should an election not be held at the regular time of holding the same, the clerk of the old board of trustees, or any two citizens of said town, may, at any time, call an election, by giving at least ten days' notice of the object, time and place of election. Nothing in this act shall be so construed as to release said corporation from the debts and liabilities of the present incorporation of said town.

Approved, January 27, 1841.