

— THE —
CITY CHARTER

— AND —
REVISED ORDINANCES

— : OF THE : —
CITY OF JOLIET,
ILLINOIS.

—
*Together with Acts of the General Assembly of the
State of Illinois, Relating to the City.*

—
REVISED AND ARRANGED BY ROBERT T. KELLY.

—
Published by Authority of the City Council.

—
JOLIET.
NEWS STEAM PRINTING HOUSE.
1884.

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PREFACE.

Joliet was incorporated, by an act of the Legislature, as a village in the year 1837, and was governed by a president and board of trustees, till 1841, when by an act of the Legislature the village charter was repealed and the trustees resigned, leaving "Joliet" without an organization till June 19, 1852, at which time the city of Joliet, was incorporated by an act of the Legislature, the act of incorporation was approved by the electors July 5, 1852, by a vote of 268 for, 133 against.

The first set of ordinances for the government of the city were adopted August 20, 1852.

In the year 1857, a new charter for the city of Joliet was passed by the State Legislature, which remained in force (with some minor amendments) until August 5, 1876, at which time by a vote of the city the general "Act to provide for the incorporation of cities and villages, approved April 10, 1872, and in force July 1, 1872," was adopted by a vote of 1076 for, to 307 against..

The charter for 1857, and ordinances were published in book form in the year 1863, and was again published in the year 1869.

On the 27th of April, 1877, the general incorporation act adopted August 5, 1876, together with a revision of the ordinances was published in book form. In the present

publication the general incorporation Statutes, together with acts of the General Assembly of the State, relating to the city and all general ordinances now in force, special ordinances (not repealed) being still in force, but not published in the revision.

This volume is respectfully submitted to the City Council and public. Hoping that herein will be found a correct and reliable compilation of the municipal laws and regulations of our city to the present time.

Joliet, April, 1884.

JULIET VILLAGE OFFICERS.

FROM 1837 TO 1841.

TRUSTEES.

1837. Joel A. Matteson, President; J. J. Garland, Daniel Reed, David L. Roberts,* Fenner Aldrich, Robert C. Duncan.

1838. Amos Fellows, President; Bennet Allen, G. H. Woodruff, J. C. Newkerk, W. A. Boardman.

1839. William Schofield, President; Chas. Clement, W. A. Chatfield, George Woodruff, F. Mitchell.

1840. Joel George, President; John L. Wilson, W. A. Chatfield, James Brodie,* Chas. Sayre, Richard Doolittle.

By an act of the Legislature, the act organizing the Village of Juliet was repealed; the Trustees, thereupon, on the 3d day of March, A. D. 1841, resigned their respective offices, from which time, until the City of Joliet was incorporated by act of the Legislature, June 19, A. D. 1852, there was no organization.

*Elected to fill vacancy.

JOLIET CITY GOVERNMENT.

From Incorporation in 1852 to the Year 1884.

1852.

C. C. Van Horn, Mayor.

ALDERMEN.

First ward—M. H. Cutter, David Casseday.

Second ward—Jacob Gorges, Michael Shields.

Third ward—Edward Wilcox, Thomas J. Kinney.

Fourth ward—F. L. Cagwin, S. N. Bowen.

Fifth ward—P. O'Connor, Uri Osgood.

S. W. Stone, Clerk.

W. A. Strong, Treasurer.

1853.

C. C. Van Horn, Mayor.

ALDERMEN.

First ward—N. H. Cutter, Benj. Richardson.

Second ward—Patrick Hart, Simon Houser.

Third ward—Edmund Wilcox, Firman Mack.

Fourth ward—F. L. Cagwin, S. W. Bowen.

Fifth ward—P. O'Connor, Uri Osgood.

S. W. Stone, Clerk.

W. A. Strong, Treasurer.

1854.

J. E. Streeter, Mayor.

ALDERMEN.

First ward—Benj. Richardson, *Thos. B. Jones; †C. E. Munger.

Second ward—Patrick Hart, Simon Houser.

Third ward—Edmund Wilcox, Firman Mack.

Fourth ward—F. L. Cagwin, S. W. Bowen.

Fifth ward—Patrick O'Connor, O. W. Stillman.

S. W. Stone, Clerk.

W. A. Strong, Treasurer.

1855.

N. D. Elwood, Mayor.

ALDERMEN.

First ward—N. H. Cutter, C. E. Munger.

Second ward—Patrick Hart, Simon Houser.

Third ward—Firman Mack, T. R. Hunter.

Fourth ward—F. L. Cagwin, Geo. Woodruff.

Fifth ward—O. W. Stillman, George Snoad.

Sixth ward—Wm. Adam, *E. T. Durand, †Timothy Kelly.

S. W. Stone, Clerk.

Charles Snoad, Collector.

W. A. Strong, Treasurer.

1856.

N. D. Elwood, Mayor.

ALDERMEN.

First ward—N. H. Cutter, J. C. Williams.

Second ward—Patrick Hart, Simon Houser.

Third ward—T. R. Hunter, F. K. Bailey.

*Resigned—†To fill vacancy.

Fourth ward—Geo. Woodruff, J. McRoberts.

Fifth ward—Geo. Snoad, R. E. Goodell.

Sixth ward—Wm. Adams, Charles E. Ward.

*Charles Snoad, Clerk.

†H. Logan, Clerk.

Peter Filer, Collector.

O. W. Stillman, Treasurer.

1857.

Firman Mack, Mayor.

ALDERMEN.

First Ward—J. C. Williams, A. Amsden.

Second ward—Patrick Hart, John Belz.

Third ward—F. K. Bailey, Wm. Smith.

Fourth ward—N. D. Elwood, *J. McRoberts, †Geo. Woodruff.

Fifth ward—R. E. Goodell, John Flack.

Sixth ward—V. Drosler, C. E. Ward.

S. S. Buffum, Clerk.

E. M. Bray, Collector.

Edmund Wilcox, Treasurer.

1858.

Firman Mack, Mayor.

ALDERMEN.

First ward—Albert Amsden, R. S. Johnson,

Second ward—Patrick Hart, John Belz.

Third ward—Wm. Smith, H. B. Godard.

Fourth ward—N. D. Elwood, E. C. Fellows.

*Resigned—†To fill vacancy

Fifth ward—R. E. Goodell, John J. Flack.

Sixth ward—V. Drosler, E. L. Booth.

S. O. Buffum, City Clerk.

E. M. Bray, Collector.

Edmund Wilcox, Treasurer.

1859.

Frank Goodspeed, Mayor.

ALDERMEN.

First ward—R. S. Johnson, H. D. Higinbotham.

Second ward—Patrick Hart, John Gorges.

Third ward—H. B. Godard, F. A. Barthleson.

Fourth ward—N. D. Elwood, E. C. Fellows.

Fifth ward—R. E. Goodell, J. J. Flack.

Sixth ward—E. L. Booth, P. O'Connor.

Samuel D. Smith, City Clerk.

John Weber, Collector.

Edmund Wilcox, Treasurer.

1860.

Frank Goodspeed, Mayor.

ALDERMEN.

First ward—H. D. Higinbotham, H. Howk.

Second ward—Patrick Hart, John Gorges.

Third ward—F. A. Bartleson, W. A. Strong, Jr.

Fourth ward—N. D. Elwood, Giles Heath.

Fifth ward—J. J. Flack, John Scheidt.

Sixth ward—P. O'Connor, W. B. Caswell.

Samuel D. Smith, Clerk.

A. Houghteling, Collector.

Thomas Hatton, Jr., Treasurer.

1861.

Sherman W. Bowen, Mayor.

ALDERMEN.

First ward—H. Howk, William Werner.

Second ward—Patrick Hart, John Theiler.

Third ward—William A. Strong, J. A. Scheidt.

Fourth ward—Giles Heath, M. L. Cook.

Fifth ward—R. E. Goodell, John Scheidt.

Sixth ward—W. B. Caswell, Edwin Porter.

Samuel D. Smith, Clerk.

M. Sebastian, Collector.

Benjamin Richardson, Treasurer.

1862.

S. W. Bowen, Mayor.

ALDERMEN.

First ward—Wm. Werner, R. Doolittle.

Second ward—John Theiler, Patrick Galvin.

Third ward—W. A. Strong, Jr., A. Scheid.

Fourth ward—Giles Heath, M. L. Cook.

Fifth ward—R. E. Goodell, John Leo.

Sixth ward—W. B. Caswell, Edwin Porter.

Samuel D. Smith, Clerk.

James O'Reilly, Collector.

Abijah Cagwin, Treasurer.

1863.

W. A. Strong, Jr., Mayor.

ALDERMEN.

First ward—R. Doolittle, H. D. Higinbotham.

Second ward—P. Galvin, H. Herschback.

Third ward—F. Pasold, T. R. Hunter.

Fourth ward—F. L. Cagwin, C. A. Austin.

Fifth ward—John Leo, S. K. Casey.
 Sixth ward—Edwin Porter, W. B. Caswell.
 W. H. Zarley, Clerk.
 I. T. Millspaugh, Collector.
 Abijah Cagwin, Treasurer.

1864.

Edwin Porter, Mayor.

ALDERMEN.

First ward—R. Doolittle, H. D. Higginbotham.
 Second ward—Anthony Scheidt, H. Herschbach.
 Third ward—T. R. Hunter, M. A. Ulrich.
 Fourth ward—F. L. Cagwin, C. A. Austin.
 Fifth ward—S. K. Casey,* John Chidsey,† Michael
 Clabby.
 Sixth ward—W. B. Caswell, N. D. Tighe.
 W. H. Zarley, Clerk.
 John Lennon, Collector.
 Abijah Cagwin, Treasurer.

1865.

Edwin Porter, Mayor.

ALDERMEN.

First ward—R. Doolittle, T. L. Breckenridge.
 Second ward—Anthony Scheidt, M. Moran.
 Third ward—M. A. Ulrich, W. F. Barrett.
 Fourth ward—C. A. Austin, W. S. Brooks.

*Resigned—†To fill vacancy

Fifth ward—M. Clabby, S. W. Bowen.
 Sixth ward—N. D. Tighe, Thos. Keegan.
 W. H. Zarley, Clerk.
 Wm. Stapleton, Collector.
 Wm. Smith, Treasurer.

1866.

S. W. Bowen, Mayor.

ALDERMEN.

First ward—T. L. Breckenridge, William Werner.
 Second ward—Anthony Scheidt, M. Moran.
 Third ward—W. F. Barrett, O. H. Woodruff.
 Fourth ward—Geo. Munroe, Elvis Harwood.
 Fifth ward—M. Clabby, John Roney.
 Sixth ward—N. D. Tighe, Thos. Keegan.
 W. H. Zarley, Clerk.
 David F. Ward, Collector.
 Abijah Cagwin, Treasurer.

1867.

Elvis Harwood, Mayor.

ALDERMEN.

First ward—H. Howk, Wm. Werner.
 Second ward—A. Scheidt, M. Moran.
 Third ward—O. H. Woodruff, F. Pasold.
 Fourth ward—Chas. Clement, M. C. Bissell.
 Fifth ward—John Roney, W. H. Carlin.
 Sixth ward—Eugene Daly, N. D. Tighe.
 W. H. Zarley, Clerk.
 C. W. Staehle, Collector.
 M. Clabby, Treasurer.

1868.

Elvis Harwood, Mayor.

ALDERMEN.

First ward—H. Howk, Calvin Knowlton.

Second ward—A. Scheidt, Thos. Moran.

Third ward—F. Pasold, H. Strickland.

Fourth ward—Chas. Clement, M. C. Bissell.

Fifth ward—W. H. Carlin, John Roney.

Sixth ward—Eugene Daly, P. O'Connor.

W. H. Zarley, Clerk.

Michael Moran, Collector.

John Lennon, Treasurer.

1869.

W. A. Steel, Mayor.

ALDERMEN.

First ward—Calvin Knowlton, Wm. E. Henry.

Second ward—A. Scheidt, M. Moran.

Third ward—John Stock, H. Strickland.

Fourth ward—Chas. Clement, W. S. Brooks.

Fifth ward—John Roney, M. Lennon.

Sixth ward—P. O'Connor, N. D. Tighe.

W. H. Zarley, Clerk.

F. Pasold, Collector.

M. A. Ulrich, Treasurer.

1870.

W. A. Steel, Mayor.

ALDERMEN.

First ward—Wm. E. Henry, T. L. Breckenridge.

Second ward—M. Moran, Jos. Bartholme.

Third ward—Edmund Wilcox, John Stock.

Fourth ward—Chas. Clement, W. S. Brooks.

Fifth ward—M. Lennon, Jacob Adler.

Sixth ward—John Theiler, Robert Walsh.

W. H. Zarley, Clerk.

Chas. P. Beebe, Collector.

W. D. Fay, Treasurer.

1871.

Edwin Porter, Mayor.

ALDERMEN.

First ward—Wm. E. Henry, T. L. Breckenridge.

Second ward—J. Bartholme, Jacob Houser.

Third ward—Edmund Wilcox, Sam'l. D. Smith.

Fourth ward—Chas. Clement, F. Layfield.

Fifth ward—Jacob Adler, W. E. Spears.

Sixth ward—R. Walsh, John D'Arcey.

W. H. Zarley, Clerk.

Dennis Mullens, Collector.

W. D. Fay, Treasurer.

1872.

W. A. Steel, Mayor.

ALDERMEN.

First ward—Wm. E. Henry, Jas. G. Elwood.

Second ward—A. Scheidt, Jacob Houser.

Third ward—S. D. Smith, W. F. Barrett.

Fourth ward—F. Layfield, John R. Casey.

Fifth ward—Jacob Adler, W. E. Spears.

Sixth ward—R. Walsh, John D'Arcey.

W. H. Zarley, Clerk.

Ignats Weisharr, Collector.

M. Lennon, Treasurer.

1873.

Wm. E. Henry, Mayor.

ALDERMEN.

First ward—Jas. G. Elwood, L. E. Dillman.

Second ward—A. Scheidt, M. Moran.

Third ward—W. F. Barrett, Chas. Wunderlich.

Fourth ward—J. R. Casey, F. Layfield.

Fifth ward—J. Adler, Jas. P. Murphy.

Sixth ward—R. Walsh, Chas. E. Ward.

W. H. Zarley, Clerk.

O. H. Woodruff, Collector.

M. Lennon, Treasurer.

1874.

Anthony Scheidt, Mayor.

ALDERMEN.

First ward—L. E. Dillman, J. M. Browne,

Second ward—M. Moran, Fred Sehring.

Third ward—C. Wunderlich, E. W. Crandall.

Fourth ward—F. Layfield, Henry Young.

Fifth ward—J. P. Murphy, J. I. Mather.

Sixth ward—C. E. Ward, O. Hicks.

W. H. Zarley, Clerk.

Mathew Tuohy, Collector.

M. Lennon, Treasurer.

1875.

W. A. Steel, Mayor.

ALDERMEN.

First ward—J. M. Browne, M. A. Flack.

Second ward—F. Sehring, Joseph Stoos.

Third ward—C. Wunderlich, R. Sandiford.

Fourth ward—H. Young, Dennis McDonald.

Fifth ward—J. P. Murphy, J. I. Mather.

Sixth ward—O. Hicks, Jos. Davidson.

W. H. Zarley, Clerk.

M. A. Ulrich, Collector.

John Gorges, Treasurer.

1876.

Royal E. Barber, Mayor.

ALDERMEN.

First ward—M. A. Flack, Dorrance Dibell.

Second ward—F. Sehring, Jos. Stoos.

Third ward—H. N. Marsh, C. Wunderlich.

Fourth ward—Dennis McDonald, Frank Haviland.

Fifth ward—J. P. Murphy, M. Lennon.

Sixth ward—J. Davidson, J. A. Hanna.

W. H. Zarley, Clerk.

James Bowlan, Collector.

John Gorges, Treasurer.

1877.

James G. Elwood, Mayor.

ALDERMEN.

First ward—M. G. Demmond, Wm. Evans,* Thos. H. Riley.†

*Resigned—†To fill vacancy

Second ward—F. W. Woodruff, Wm. Gleason.

Third ward—F. Sehring, A. Scheidt.

Fourth ward—T. A. Mason, Frank Hoffman.

Fifth ward—J. A. Hanna, Peter Collins.

Sixth ward—M. Lennon, H. Fanning.

Seventh ward—Dorrance Dibell, J. P. King.

W. H. Zarley, Clerk.*

Wm. Tonner, Clerk.†

Chas. Werner, Collector.

John Gorges, Treasurer.

1878.

Jas. G. Elwood, Mayor.

ALDERMEN.

First ward—M. G. Demmond, Frank E. Freeman.

Second ward—F. W. Woodruff, Wm. Gleason.

Third ward—F. Sehring, M. Moran.

Fourth ward—T. A. Mason, H. N. Marsh.

Fifth ward—Peter Collins, P. C. Haley.

Sixth ward—H. Fanning, H. Schoettes.

Seventh ward—Dorrance Dibell, J. P. King.

Wm. Tonner, Clerk.

Chas. Werner, Collector.

John Gorges, Treasurer.

1879.

Edwin Porter, Mayor.

ALDERMEN.

First ward—F. E. Freeman, Chas. Pettigrew.

Second ward—F. W. Woodruff, Dennis McDonald.

Third ward—M. Moran, Michael Scheidt.

*Resigned—†To fill vacancy

Fourth ward—H. N. Marsh, E. D. Avery.

Fifth ward—P. C. Haley, Jos. Davidson.

Sixth ward—H. Schoettes, J. C. Murphy.

Seventh ward—Dorrance Dibell, R. L. Seward.

Robert T. Kelly, Clerk.

A. Cagwin, Collector.

John Scheidt, Treasurer.

1880.

Edwin Porter, Mayor.

ALDERMEN.

First ward—Chas. Pettigrew, Christopher Smith.

Second ward—D. McDonald, Thos. H. Riley.

Third ward—M. Scheidt, M. Moran.

Fourth ward—E. D. Avery,* H. W. Cope,† H. N. Marsh.

Fifth ward—Jos. Davidson, P. C. Haley.

Sixth ward—J. C. Murphy,‡ John Mason,† H. Fanning

Seventh ward—R. L. Seward, H. C. Knowlton.

R. T. Kelly, Clerk.

Jas. G. Patterson, Collector.

John Scheidt, Treasurer.

1881.

Edwin Porter, Mayor.

ALDERMEN.

First ward—C. J. Smith, Jno Gorman.

Second ward—Thos. H. Riley, Edward Lawler.

Third ward—M. Moran, Fred Sehring.

*Resigned—†To fill vacancy—‡Died.

Fourth ward—H. N. Marsh, H. W. Cope.
 Fifth ward—P. C. Haley, H. A. Smith.
 Sixth ward—H. Fanning, J. T. Donahue.
 Seventh ward—H. C. Knowlton, R. L. Seward,
 Robt. T. Kelly, Clerk.
 Jas. G. Patterson, Collector.
 Jos. Stoos, Treasurer.

1882.

Edwin Porter, Mayor.

ALDERMEN.

First ward—John Gorman, Wm. Maloney.
 Second ward—Edward Lawler, D. McDonald.
 Third ward—F. Sehring, M. Moran.
 Fourth ward—H. W. Cope, E. D. Avery.
 Fifth ward—H. A. Smith, P. C. Haley.
 Sixth ward—J. T. Donahue, Peter Hebert.
 Seventh ward—R. L. Seward, Jas. Goodspeed.
 Robert T. Kelly, Clerk.
 John Ryan, Collector.
 Jos. Stoos, Treasurer.

1883.

Thos. J. Kelly, Mayor.

ALDERMEN.

First ward—M. Maloney, John Gorman.
 Second ward—D. McDonald.* Thos. Riley,† Ed.
 Lawler.
 Third ward—Fred Sehring,* John Schuch,† M. Moran.
 Fourth ward—E. D. Avery,‡ Sebastian Lagger, Jr.,†
 H. W. Cope.

*Resigned—†To fill vacancy—‡Died.

Fifth ward—P. C. Haley, Peter Collins.
 Sixth ward—Peter Hebert, John T. Donahue.
 Seventh ward—James Goodspeed, A. F. Knox.
 R. T. Kelly, Clerk.
 John M. Swiggert, Collector.
 John Gorges, Treasurer.

1884.

Thos. J. Kelly, Mayor.

ALDERMEN.

First ward—John Gorman, C. J. Smith.
 Second ward—Edward Lawler, T. H. Riley.
 Third ward—John Schuch, M. Moran.
 Fourth ward—H. W. Cope, Sebastian Lagger, Jr.
 Fifth ward—Peter Collins, P. C. Haley.
 Sixth ward—J. T. Donahue, James Egan.
 Seventh ward—A. F. Knox, Dan'l. E. Winters.
 Robert T. Kelly, Clerk.
 John Ryan, Collector.
 John Gorges, Treasurer.

CITY CHARTER.

AN ACT to provide for the incorporation of Cities and Villages. [Approved April 10, 1872. In force July 1, 1872. L. 1871-2, p. 218. With the several amendments thereto.]

ADOPTED BY THE CITY OF JOLIET, AUGUST 5, 1876.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly, as follows:*

ARTICLE I.

OF THE ORGANIZATION OF CITIES.

1. HOW CITY MAY ADOPT THIS ACT.

That any city now existing in this state may become incorporated under this act in manner following: Whenever one-eighth of the legal voters of such city, voting at the last preceding municipal election, shall petition the mayor and council thereof to submit the question as to whether such city shall become incorporated under this act, to a vote of the electors in such city, it shall be the duty of such mayor and council to submit such question at the next municipal election of such city; or on the third Tuesday in April, as provided for in article four (4) of said act for holding

municipal elections. *Provided*, There shall be sufficient time intervening to give the notice required by law. [As amended by act approved and in force Feb. 26, 1881. L. 1881, p. 58.]

2. NOTICE OF ELECTION.

§ 2. The mayor of such city shall give at least thirty days' notice of such election, by publishing a notice thereof in one or more newspapers within such city, but if no newspaper is published therein, then by posting at least five copies of such notice in each ward.

3. THE BALLOT—RESULT.

§ 3. The ballots to be used at such election shall be in the following form: "For city organization under general law;" or, "Against city organization under general law." The judges of such election shall make returns thereof to the city council, whose duty it shall be to canvass such returns and cause the result of such canvass to be entered on the records of such city. If a majority of the votes cast at such election shall be for city organization under the general law, such city shall thenceforth be deemed to be organized under this act; and the city officers then in office shall, thereupon, exercise the powers conferred upon like officers in this act, until their successors shall be elected and qualified.

4. HOW TOWNS MAY BECOME CITIES.

§ 4. Any incorporated town or village, in this state, having a population of not less than one thousand (1,000) inhabitants, may become incorporated as a city in like manner as hereinbefore provided; but in all such cases the president and trustees of such town or village shall, respectively, perform the same duties relative to such change of organization as is above required to be performed by the

mayor and council of cities. [As amended by act approved May 25th, 1877. In force July 1st, 1877. L. 1877, p. 54.]

5. ORGANIZING A CITY—PETITION—ELECTION—RESULT.

§ 5. Whenever any area of contiguous territory in this state, not exceeding four square miles, shall have resident thereon a population of not less than one thousand inhabitants, which shall not already be included within any incorporated town or city, the same may become incorporated as a city in manner following: Any fifty legal voters thereof may file in the office of the clerk of the county court, of the county in which such inhabitants reside, a petition, addressed to the judge of such court; and if the territory described in said petition shall be in more than one county, then the petition shall be addressed to the judge of the court where a greater part of such territory is situated; which petition shall define the boundaries of such proposed city, and state the number of inhabitants residing within such limits, and also state the name of such proposed city, and shall contain a prayer that the question be submitted to the legal voters residing within such limits, whether they will organize as a city under this act. It shall be the duty of the county judge to fix a time and place within the boundaries of such proposed city, at which an election may be held to determine such question; and such judge shall name the persons to act as judges in holding such election, and shall give notice thereof by causing ten notices to be posted in public places within such proposed city. And the third section of this article shall be applicable to such election: *Provided*, that returns of such election shall be made to and canvassed by the county judge and any two justices of the peace whom he shall call to his assistance, instead of the city council; and the result of such election

shall be entered upon the records of such county court. If a majority of the votes cast at such election shall be "For city organization under general law," the inhabitants of such territory, described in such petition, shall be deemed to be incorporated as a city, under this act, and with the name stated in the petition. [See § 176.]

6. COURTS TO TAKE JUDICIAL NOTICE OF ORGANIZATION, ETC.

§ 6. All courts in this state shall take judicial notice of the existence of all villages and cities organized under this act; and of the change of the organization of any town or city from its original organization to its organization under this act, and from the time of such organization, or change of organization, the provisions of this act shall be applicable to such cities and villages, and all laws in conflict therewith shall no longer be applicable. But all laws or part of laws, not inconsistent with this act, shall continue in force and applicable to any such city or village, the same as if such change of organization had not taken place.

7. ELECTION OF OFFICERS.

§ 7. It shall be the duty of the president and board of trustees of any town which shall have voted to change its organization to a city, under this act, to call and give notice of an election to elect city officers, and to designate the time and place or places of holding the same. Such notice shall be published in a newspaper, if there be one, within the town, or posted in ten public places, for at least twenty days before such election. Such president and trustees shall appoint the judges and clerks to hold such election, canvass the returns thereof, and cause the result to be entered upon the records of the town; and the provisions of this act, relative to the election of city officers, shall be

applicable thereto; but, at such election, aldermen may be elected on a general ticket.

8. WHEN COUNTY JUDGE TO GIVE NOTICE OF ELECTION, ETC.

§ 8. In case of cities organizing under section five (5) of this article, the county judge shall call and give notice of the election, and perform the same duties relative thereto as is above required to be performed by president and trustees of such town, and in canvassing such returns shall call to his assistance two justices of the peace. [See § 53.]

9. TERM OF FIRST OFFICERS.

§ 9. The city officers elected under either of the preceding sections, shall hold their respective offices until the next succeeding regular election for such officers, respectively, and until their successors are elected and qualified, as provided in this act.

10. CORPORATE NAME—POWERS.

§ 10. Cities organized under this act shall be bodies politic and corporate, under the name and style of "City of (name)," and under such name may sue and be sued, contract and be contracted with, acquire and hold real and personal property for corporate purposes, have a common seal, and change the same at pleasure, and exercise all the powers hereinafter conferred.

11. PRIOR ORDINANCES, ETC., IN FORCE UNTIL, ETC.

§ 11. All ordinances, resolutions and by-laws in force in any city or town when it shall organize under this act, shall continue in full force and effect until repealed or amended, notwithstanding such change of organization; and the making of such change of organization shall not be construed to effect a change in the legal identity, as a corporation, of such city or town.

12. RIGHTS, ETC., OF OLD CORPORATIONS TO VEST IN NEW.

§ 12. All rights and property of every kind and description which were vested in any municipal corporation under its former organization, shall be deemed and held to be vested in the same municipal incorporation upon its becoming incorporated under the provisions of this act; but no rights or liabilities, either in favor of or against such corporation, existing at the time of so becoming incorporated under this act, and no suit or prosecution of any kind, shall be affected by such change, but the same shall stand and progress as if no change had been made: *Provided*, that when a different remedy is given by this act, which may properly be made applicable to any right existing at the time of such city so becoming incorporated under this act, the same shall be deemed cumulative to the remedies before provided, and used accordingly.

13. RECORD OF RESULT OF ELECTION.

§ 13. The corporate authorities of any city or village which may become organized under this act shall, within three months after organization hereunder, cause to be filed in the office of the recorder of deeds, in the county in which such city or village is situated, a certified copy of the entry made upon the records of the city, village or county court, of the canvass of the votes, showing the result of such election, whereby such city or village became so organized—and such recorder of deeds shall record the same. And such corporate authorities shall also cause a like certificate to be filed in the office of the secretary of state, who shall file the same, and keep a registry of cities and villages organized under this act.

14. CITY REGISTER'S OFFICE ABOLISHED.

§ 14. If any city organized, or which may hereafter organize under this act, shall have had by the terms and

provisions of its special charter, a city register's office or other office in which deeds, mortgages or other instruments were required or authorized by law to be recorded in lieu of recording the same in the recorder's office in any county where said city was situated, such city register's office or recorder's office shall be discontinued under this act, and the city register or recorder or other officer having the custody of the records, books and papers pertaining to such city register or recorder's office, shall deposit such records and books and papers in the office of the recorder of deeds of the county in which such city is situated, and shall take the receipt of the recorder of deeds therefor; and such records, and books, and papers, shall from thereafter be deemed and held for all purposes a part of the records of the recorder's office of such county, and shall have like legal effect as if the same had been originally a part of the records of such county recorder's office for all purposes whatsoever, and the same or certified transcripts made therefrom, shall have like force and effect as evidence as other records of said recorder's office. [Added by act approved May 15, 1879; in force July 1, 1879. L. 1879, p. 65.]

ARTICLE II.

OF THE MAYOR.

15. MAYOR—HIS QUALIFICATIONS.

SECTION 1. The chief executive officer of a city shall be a mayor who shall be a citizen of the United States, a qualified elector, reside within the city limits, and hold his office for two years, and until his successor is elected and qualified.

16. VACANCY ONE YEAR OR OVER.

§ 2. Whenever a vacancy shall happen in the office of

the mayor, when the unexpired term shall be one year or over from the date when the vacancy occurs, it shall be filled by an election.

17. VACANCY LESS THAN ONE YEAR.

§ 3. If the vacancy is less than one year, the city council shall elect one of its number to act as mayor, who shall possess all the rights and powers of the mayor until the next annual election, and until his successor is elected and qualified.

18. MAYOR PRO TEM.

§ 4. During a temporary absence or disability of the mayor, the city council shall elect one of its number to act as mayor *pro tem*, who during such absence or disability, shall possess the powers of mayor.

19. VACANCY BY REMOVAL FROM CITY.

§ 5. If the mayor, at any time during the term of his office, shall remove from the limits of the city, his office shall thereby become vacant.

20. MAYOR TO PRESIDE—CASTING VOTE.

§ 6. The mayor shall preside at all meetings of the city council, but shall not vote except in case of a tie, when he shall give the casting vote.

21. WHEN HE MAY REMOVE OFFICERS.

§ 7. The mayor shall have power to remove any officer appointed by him, on any formal charge, whenever he shall be of the opinion that the interests of the city demand such removal, but he shall report the reasons for such removal to the council, at a meeting to be held not less than five days, nor more than ten days after such removal; and if the mayor shall fail or refuse to file with the city clerk a statement for the reasons of such removal, or if the council

by a two-thirds ($\frac{2}{3}$) vote of all its members authorized by law to be elected, by yeas and nays, to be entered upon its record, disapprove of such removal, such officer shall thereupon become restored to the office from which he was so removed; but he shall give new bonds and take a new oath of office. No officer shall be removed a second time for the same offense. [As amended by act approved May 15, 1879; in force July 1, 1879. L. 1879, p. 65.]

22. HIS POWER TO KEEP PEACE.

§ 8. He may exercise, within the city limits, the powers conferred upon sheriffs to suppress disorder and keep the peace. [See § 84.]

23. RELEASE OF PRISONERS.

§ 9. He may release any person imprisoned for violation of any city ordinance, and shall report such release, with the cause thereof, to the council at its first session thereafter.

24. GENERAL DUTIES.

§ 10. He shall perform all such duties as are or may be prescribed by law or by city ordinances, and shall take care that the laws and ordinances are faithfully executed.

25. POWER TO EXAMINE RECORDS, ETC.

§ 11. He shall have power at all times to examine and inspect the books, records and papers of any agent, employe or officer of the city.

26. MESSAGES TO COUNCIL.

§ 12. The mayor shall, annually, and from time to time, give the council information relative to the affairs of the city, and shall recommend for their consideration such measures as he may deem expedient.

27. TO CALL OUT MILITIA, ETC.—RIOTS, ETC.

§ 13. He shall have power, when necessary, to call on every male inhabitant of the city over the age of eighteen years, to aid in enforcing the laws and ordinances, and to call out the militia to aid in suppressing riots and other disorderly conduct, or carrying into effect any law or ordinance, subject to the authority of the governor as commander-in-chief of the militia.

28. MISCONDUCT, ETC., OF MAYOR OR OTHER OFFICER—PELTY.

§ 14. In case the mayor or any other municipal officer shall at any time be guilty of a palpable omission of duty, or shall wilfully and corruptly be guilty of oppression, malconduct or malfeasance in the discharge of the duties of his office, he shall be liable to indictment in any court of competent jurisdiction, and, on conviction, shall be fined in a sum not exceeding \$1,000; and the court in which such conviction shall be had shall enter an order removing such officer from office.

29. REVISING ORDINANCES AFTER CHANGE OF ORGANIZATION.

§ 15. He may appoint, by and with the consent of the city council, immediately after such change of organization, one or more competent persons to prepare and submit to the city council for their adoption or rejection, an ordinance in revision of the ordinances of such city, and for the government of such city, the compensation of such reviser or revisers to be determined and fixed by the city council and paid out of the city treasury.

ARTICLE III.**OF THE CITY COUNCIL.****30. COUNCIL—HOW COMPOSED.**

§ 1. The city council shall consist of the mayor and aldermen.

31. NUMBER OF ALDERMEN.

§ 2. The number of aldermen, when not elected by the minority representation plan, shall be as follows: In cities not exceeding three thousand inhabitants, six aldermen; exceeding three thousand but not exceeding five thousand, eight aldermen; exceeding five thousand and not exceeding ten thousand, ten aldermen; exceeding ten thousand and not exceeding thirty thousand, fourteen aldermen; and two additional aldermen for every twenty thousand inhabitants over thirty thousand. *Provided, however,* that in cities of over 100,000 inhabitants, there shall be elected thirty-six aldermen, and no more. [See § 176.]

32. TERM OF OFFICE.

§ 3. Aldermen shall hold their term of office for the term of two years, and until their successors are elected and qualified.

33. VACANCY.

§ 4. If any vacancy shall occur in the office of alderman by death, resignation, removal or otherwise, such vacancy shall be filled by election.

34. QUALIFICATIONS OF ALDERMEN.

§ 5. No person shall be eligible to the office of alderman unless he shall be a qualified elector, and reside within the ward for which he is elected, nor shall he be eligible if he is in arrears in the payment of any tax or other liability due to the city; nor shall he be directly or indirectly interested in any contract whatever to which the city is a party; nor shall he be eligible if he shall have been convicted of malfeasance, bribery or other corrupt practices or crimes; nor shall he be eligible to any office, the salary of which is payable out of the city treasury, if at the time of his appointment he shall be a member of the city council;

nor shall any member of the city council at the same time hold any other office under the city government; nor shall he be either directly or indirectly, individually, or as a member of a firm, engaged in any business transaction (other than official) with such city, through its mayor or any of its authorized boards, agents or attorneys, whereby any money is to be paid, directly or indirectly, out of the city treasury to such member or firms.

35. COUNCIL JUDGE OF ITS MEMBERS.

§ 6. The city council shall be judge of the election and qualification of its own members.

36. RULES—EXPULSION—BRIBERY.

§ 7. It shall determine its own rules of proceeding, punish its members for disorderly conduct, and with the concurrence of two-thirds of the aldermen elect, may expel a member, but not a second time for the same offense: *Provided*, that that any alderman or councilman who shall have been convicted of bribery shall thereby be deemed to have vacated his office.

37. QUORUM—COMPELLING ATTENDANCE.

§ 8. A majority of the aldermen elect shall constitute a quorum to do business, but a smaller number may adjourn from time to time, and may compel the attendance of absentees, under such penalties as may be prescribed by ordinance.

38. MEETINGS.

§ 9. The city council may prescribe, by ordinance, the times and places of the meeting thereof, and the manner in which special meetings thereof may be called.

39. CHAIRMAN PRO TEM.

§ 10. It may elect a temporary chairman in the absence of the mayor.

40. OPEN DOORS.

§ 11. It shall sit with open doors.

41. JOURNAL.

§ 12. It shall keep a journal of its own proceedings.

42. YEAS AND NAYS—RECORD—VOTE REQUIRED.

§ 13. The yeas and nays shall be taken upon the passage of all ordinances, and on all propositions to create any liability against the city, or for the expenditure or appropriation of its money, and in all other cases at the request of any member, which shall be entered on the journal of its proceedings; and the concurrence of a majority of all the members elected in the city council shall be necessary to the passage of any such ordinance or proposition: *Provided*, it shall require two-thirds of all the aldermen elect to sell any city or school property.

43. NOT TO RESCIND VOTE AT SPECIAL MEETINGS, UNLESS, ETC.

§ 14. No vote of the city council shall be reconsidered or rescinded at a special meeting, unless at such special meeting there be present as large a number of aldermen as were present when such vote was taken.

44. WHEN REPORT LAID OVER.

§ 15. Any report of a committee of the council shall be deferred, for final action thereon, to the next regular meeting of the same after the report is made, upon the request of any two aldermen present.

45. TERRITORIAL JURISDICTION.

§ 16. The city council and board of trustees shall also have jurisdiction in and over all places within one-half mile of the city or village limits, for the purpose of enforcing health and quarantine ordinances and regulations thereof. [See §§ 72, 170.]

46. SPECIAL MEETING.

§ 17. The mayor or any three aldermen may call special meetings of the city council.

47. ORDINANCES—APPROVAL—VETO.

§ 18. All ordinances passed by the city council shall, before they take effect, be deposited in the office of the city clerk; and if the mayor approves thereof, he shall sign the same, and such as he shall not approve he shall return to the council, with his objections thereto, in writing, at the next regular meeting of the council, occurring not less than five days after the passage thereof. Such veto may extend to any one or more items or appropriations contained in any ordinance making an appropriation, or to the entire ordinance; and in case the veto only extends to a part of such ordinance, the residue thereof shall take effect and be in force. But in case the mayor shall fail to return any ordinance, with his objections thereto, by the time aforesaid, he shall be deemed to have approved such ordinance, and the same shall take effect accordingly.

48. RECONSIDERATION—PASSING OVER VETO.

§ 19. Upon the return of any ordinance by the mayor, the vote by which the same was passed shall be reconsidered by the council; and if, after such reconsideration, two-thirds of all the members elected to the city council shall agree, by yeas and nays, to pass the same, it shall go into effect, notwithstanding the mayor may refuse to approve thereof. The vote to pass the same over the mayor's veto shall be taken by yeas and nays, and entered on the journal.

ARTICLE IV.**ELECTIONS.****49. ANNUAL ELECTION.**

§ 1. A general election for city officers shall be held on

the third Tuesday of April, of each year: *Provided*, that in cities which include wholly within their corporate limits a town or towns, such election shall be held on the first Tuesday of April. [As amended by act approved and in force March 9, 1877. L. 1877, p. 54.]

50. ELECTION OF MAYOR, CITY CLERK, ATTORNEY AND TREASURER.

§ 2. At the general election held in 1877, and biennially thereafter, a mayor, a city clerk, a city attorney, and a city treasurer shall be elected in each city: *Provided*, that no person shall be elected to the office of city treasurer for two terms in succession. [As amended by act approved and in force March 26, 1877. L. 1877, p. 54.]

51. WHO ENTITLED TO VOTE.

§ 3. All persons entitled to vote at any general election for state officers, within any city or village, having resided therein thirty days next preceding thereto, may vote at any election for city or village officers.

52. WARDS.

§ 4. The city council may, from time to time, divide the city into one-half as many wards as the total number of aldermen to which the city is entitled; and one alderman shall, annually, be elected in and for each ward, to hold his office for two years, and until his successor is elected and qualified. In the formation of wards the population of each shall be as nearly equal and the ward shall be of as compact and contiguous territory as practicable.

53. ALDERMEN AT FIRST ELECTION—CLASSIFIED.

§ 5. At the first election under this act, there shall be elected the full number of aldermen to which the city shall be entitled. At the first meeting of the city council after such election, the aldermen elected shall be divided, by lot, into two classes: those of the first class shall con-

tinue in office for one year, and those of the second for two years. And upon any increase of the number of aldermen, at their first election, one-half shall be elected for one year, and one-half for two years.

54. MINORITY REPRESENTATION.

§ 6. Whenever this act shall be submitted to the qualified electors of any city for adoption, there shall be submitted at the same time, for adoption or rejection, the question of minority representation in the city council or legislative authority of such city. At the said election the ballots shall be in the following form: "For minority representation in the city council," or, "Against minority representation in the city council." And at any subsequent time, on petition of the legal voters equal in number to one-eighth the number of legal votes cast at the next preceding general city election, the city council shall cause the question of minority representation to be submitted to the legal voters of said city, and the ballots shall be in form as provided in this section: *Provided*, that no such question of representation shall be submitted more than once in every two years. The judges of such election shall make returns thereof to the city council, whose duty it shall be to canvass such returns, and to cause the result of such canvass to be entered on the records of such city. If a majority of the votes cast at such election shall be "For equal representation in the city council," then the members of the city council or legislative authority of such city shall be thereafter elected in the following manner: The council or legislative authority of such city, at least one month before the general election in the year in which this act shall take effect in such city, shall apportion such city, by dividing the population thereof, as ascertained by the

last federal census, by any number not less than two nor more than six, and the quotient shall be the ratio of representation in the city council. Districts shall be formed of contiguous and compact territory, and contain, as nearly as practicable, an equal number of inhabitants: *And provided further*, that where said council or legislative authority of such city have not fixed a ratio of representation and formed the districts or wards at the time above specified, the same may be done by any subsequent board of aldermen; but all official acts heretofore done, and ordinances heretofore passed by any board of aldermen elected at large by the legal electors of any such city on the minority representation plan, shall be held and taken by all courts in this state to be of as much validity and binding force as if they had been elected from wards or districts. [As amended by an act approved and in force April 11, 1883. L. 1883, p. 56.]

55. ALDERMEN UNDER MINORITY PLAN.

§ 7. Every such district shall be entitled to three aldermen, who shall hold their office for two years, and until their successors shall be elected and qualified. At the first general election for mayor after the passage of this act and every two years thereafter, there shall be elected in each ward as many aldermen as such ward shall be entitled to: *Provided*, that aldermen elected under this act, in wards wherein aldermen were elected for two years at the last previous annual election, shall not take their seats as such until the terms of the aldermen last aforesaid shall expire. Vacancies shall be filled at an election to be held by the voters of the district in which such vacancies shall occur, at the time to be designated by the city council. In all elections for aldermen, aforesaid, each qualified voter may cast

as many votes as there are aldermen to be elected in his district, or may distribute the same, or equal parts thereof, among the candidates, as he shall see fit, and the candidates highest in votes shall be declared elected. [As amended by act approved and in force April 11, 1883. L. 1883, p. 57.]

56. ALDERMEN WHEN MINORITY PLAN NOT ADOPTED.

§ 8. If a majority of the votes cast at such election shall be "Against minority representation in the city council," the preceding section shall be null and void, so far as it relates to such city at such election, and the aldermen of such city shall be elected as otherwise provided for in this act.

57.—PLACE OF ELECTION—NOTICE.

§ 9. The city council shall designate the place or places in which the election shall be held, and appoint the judges and clerks thereof, and cause notice to be printed in some newspaper printed in such city, if there be one, or posted at each voting place in such city, of the time, places of election, and of the officers to be elected, for at least twenty days prior to such election.

58. MANNER OF CONDUCTING ELECTIONS, ETC.

§ 10. The manner of conducting and voting at elections to be held under this act and contesting the same, the keeping of poll lists and canvassing the votes, shall be the same, as nearly as may be, as in the case of the election of county officers, under the general laws of this state. The judges of election shall appoint clerks, when necessary to fill vacancies, and the judges and clerks shall take the same oath and have the same powers and authority as the judges and clerks of general state elections. After the closing of the polls, the ballots shall be counted and the returns made out and returned, under seal, to the city or village clerk.

as the case may be, within two days after the election; and, thereupon, the city council or board of trustees, as the case may be, shall examine and canvass the same and declare the result of the election, and cause a statement thereof to be entered upon its journals.

59. RESULT—TIE.

§ 11. The person having the highest number of votes, for any office, shall be declared elected. In case of a tie in the election of any city or village officer, it shall be determined by lot, in presence of the city council or board of trustees, in such manner as they shall direct, which candidate or candidates shall hold the office.

60. NOTICE TO PERSONS ELECTED OR APPOINTED.

§ 12. It shall be the duty of the village or city clerk, within five days after the result of the election is declared, or appointment made, to notify all persons elected or appointed to office of their election or appointment, and unless such persons shall respectively qualify in ten days after such notice, the office shall become vacant.

61. WHEN NO QUORUM IN OFFICE—SPECIAL ELECTION.

§ 13. If, for any cause, there shall not be a quorum in office of the city council or board of trustees, the mayor, clerk, or any alderman or trustee, as the case may be, may appoint the time and place for holding a special election to supply such vacancy, and give notice and appoint the judges thereof.

62. SPECIAL ELECTIONS.

§ 14. If there is a failure to elect any officer herein required to be elected or the person elected should fail to qualify, the council or board of trustees may forthwith order a new election therefor; and in all cases, when necessary for the purposes of this act, may call special

elections, appoint judges and clerks thereof, canvass the returns thereof, and provide by ordinance the mode of conducting the same; and shall give notice of such special elections, in which shall be stated the questions to be voted upon, and cause such notices to be published or posted for the same length of time and in the same manner as is required in the case of regular annual elections in such cities or villages.

ARTICLE V.

OF THE POWERS OF THE CITY COUNCIL.

63.

§ 1. The city council in cities, and president and the board of trustees in villages, shall have the following powers:

FIRST—To control the finances and property of the corporation.

SECOND—To appropriate money for corporate purposes only, and provide for payment of debts and expenses of the corporation.

THIRD—To levy and collect taxes for general and special purposes on real and personal property. [See §§ 90, 172.]

FOURTH—To fix the amount, terms and manner of issuing and revoking licenses.

FIFTH—To borrow money on the credit of the corporation for corporate purposes, and issue bonds therefor, in such amounts and form, and on such conditions as it shall prescribe, but shall not become indebted in any manner or for any purposes to an amount, including existing indebtedness, in the aggregate to exceed five (5) per centum on the value of the taxable property therein, to be ascertained by the last assessment for state and county taxes, previous to

the incurring of such indebtedness; and before or at the time of incurring any indebtedness, shall provide for the collection of a direct annual tax sufficient to pay the interest on such debt as it falls due, and also to pay and discharge the principal thereof within twenty years after contracting the same. [See §§ 91, 110, 132.]

SIXTH—To issue bonds in place of or to supply means to meet maturing bonds, or for the consolidation or funding of the same.

SEVENTH—To lay out, to establish, open, alter, widen, extend, grade, pave or otherwise improve streets, alleys, avenues, sidewalks, wharves, parks and public grounds, and vacate the same. [See § ?

EIGHTH—To plant trees upon the same.

NINTH—To regulate the use of the same.

TENTH—To prevent and remove encroachments or obstructions upon the same.

ELEVENTH—To provide for the lighting of the same.

TWELFTH—To provide for the cleansing of the same.

THIRTEENTH—To regulate the openings therein for the laying of gas or water mains and pipes, and the building and repairing of sewers, tunnels and drains, and erecting gas lights: *Provided, however*, that any company heretofore organized under the general laws of this state, or any association of persons organized, or which may be hereafter organized for the purpose of manufacturing illuminating gas to supply cities or villages, or the inhabitants thereof, with the same, shall have the right, by consent of the common council (subject to existing rights), to erect gas factories, and lay down pipes in the streets or alleys of any city or village in this state, subject to such regulations

as any such city or village may by ordinance impose.

FOURTEENTH—To regulate the use of sidewalks and all structures thereunder; and to require the owner or occupant of any premises to keep the sidewalks in front of, or along the same, free from snow and other obstructions.

FIFTEENTH—To regulate and prevent the throwing or depositing of ashes, offal, dirt, garbage or any offensive matter in, and to prevent injury to, any street, avenue, alley or public ground.

SIXTEENTH—To provide for and regulate crosswalks, curbs and gutters.

SEVENTEENTH—To regulate and prevent the use of streets, sidewalks and public grounds for signs, sign-posts, awnings, awning-posts, telegraph poles, horse troughs, racks, posting hand bills and advertisements.

EIGHTEENTH—To regulate and prohibit the exhibition or carrying of banners, placards, advertisements or handbills in the streets or public grounds, or upon the sidewalks.

NINETEENTH—To regulate and prevent the flying of flags, banners or signs across the streets or from houses.

TWENTIETH—To regulate traffic and sales upon the streets, sidewalks and public places.

TWENTY-FIRST—To regulate the speed of horses and other animals, vehicles, cars and locomotives within the limits of the corporation.

TWENTY-SECOND—To regulate the numbering of houses and lots.

TWENTY-THIRD—To name and change the name of any street, avenue, alley, or other public place.

TWENTY-FOURTH—To permit, regulate or prohibit the locating, constructing or laying a track of any horse railroad

in any street, alley or public place; but such permission shall not be for a longer time than twenty years.

TWENTY-FIFTH—To provide for and change the location, grade and crossings of any railroad.

TWENTY-SIXTH—To require railroad companies to fence their respective railroads, or any portion of the same, and to construct cattle-guards, crossings of streets, and public roads, and keep the same in repair, within the limits of the corporation. In case any railroad company shall fail to comply with any such ordinance, it shall be liable for all damages the owner of any cattle or horses or other domestic animal, may sustain, by reason of injuries thereto while on the track of such railroad, in like manner and extent as under the general laws of this state, relative to the fencing of railroads; and actions to recover such damages may be instituted before any justice of the peace or other court of competent jurisdiction.

TWENTY-SEVENTH—To require railroad companies to keep flagmen at railroad crossings of streets, and provide protection against injury to person and property in the use of such railroads. To compel such railroads to raise or lower their railroad tracks to conform with any grade which may, at any time, be established by such city, and where such tracks run lengthwise of any such street, alley or highway, to keep their railroad tracks on a level with the street surface, and so that such tracks may be crossed at any place on such street, alley or highway. To compel and require railroad companies to make and keep open and to keep in repair ditches, drains, sewers and culverts along and under their railroad tracks, so that filthy or stagnant pools of water cannot stand on their grounds or right of way, and

so that the natural drainage of adjacent property shall not be impeded.

TWENTY-EIGHTH—To construct and keep in repair bridges, viaducts and tunnels, and to regulate the use thereof.

TWENTY-NINTH—To construct and keep in repair culverts, drains, sewers and cesspools, and to regulate the use thereof.

THIRTIETH—To deepen, widen, dock, cover, wall, alter or change the channel of water courses.

THIRTY-FIRST—To construct and keep in repair canals and slips for the accommodation of commerce.

THIRTY-SECOND—To erect and keep in repair public landing places, wharves, docks and levees.

THIRTY-THIRD—To regulate and control the use of public and private landing places, wharves, docks and levees.

THIRTY-FOURTH—To control and regulate the anchorage, moorage and landing of all water craft and their cargoes within the jurisdiction of the corporation.

THIRTY-FIFTH—To license, regulate and prohibit wharf-boats, tugs and other boats used about the harbor or within such jurisdiction.

THIRTY-SIXTH—To fix the rate of wharfage and dockage.

THIRTY-SEVENTH—To collect wharfage and dockage from all boats, rafts or other craft landing at or using any public landing place, wharf, dock or levee within the limits of the corporation.

THIRTY-EIGHTH—To make regulations in regard to the use of harbors, towing of vessels, opening and passing of bridges.

THIRTY-NINTH—To appoint harbor masters and define their duties.

FORTIETH—To provide for the cleansing and purification of waters, water courses and canals, and the draining or filling of ponds on private property, whenever necessary to prevent or abate nuisances.

FORTY-FIRST—To license, tax, regulate, suppress and prohibit hawkers, pedlers, pawn-brokers, keepers of ordinaries, theatricals and other exhibitions, shows and amusements, and to revoke such licenses at pleasure.

FORTY-SECOND—To license, tax and regulate hackmen, draymen, omnibus drivers, carters, cabmen, porters, expressmen, and all others pursuing like occupations, and to prescribe their compensation.

FORTY-THIRD—To license, regulate, tax and restrain runners for stages, cars, public houses, or other things or persons.

FORTY-FOURTH—To license, regulate, tax or prohibit and suppress billiard, bagatelle, pigeon-hole or any other tables or implements kept or used for a similar purposes in any place of public resort, pin alleys and ball alleys.

FORTY-FIFTH—To suppress bawdy and disorderly houses, houses of ill-fame or assignation, within the limits of the city, and within three miles of the outer boundaries of the city; and also to suppress gaming and gambling houses, lotteries, and all fraudulent devices and practices for the purpose of gaming or obtaining money or property; and to prohibit the sale or exhibition of obscene or immoral publications, prints, pictures or illustrations.

FORTY-SIXTH—To license, regulate and prohibit the selling or giving away of any intoxicating malt, vinous, mixed or fermented liquor, the license not to extend beyond the municipal year in which it shall be granted, and to determine

the amount to be paid for such license; *Provided*, that the city council in cities, or president and board of trustees in villages, may grant permits to druggists for the sale of liquors for medicinal, mechanical, sacramental and chemical purposes only, subject to forfeiture, and under such restrictions and regulations as may be provided by ordinance: *Provided, further*, that in granting licenses such corporate authorities shall comply with whatever general law of the state may be in force relative to the granting of licenses.

FORTY-SEVENTH—The foregoing shall not be construed to affect the provisions of the charter of any literary institution heretofore granted.

FORTY-EIGHTH—And the city council in cities, and president and board of trustees in villages, shall also have the power to forbid and punish the selling or giving away of any intoxicating, malt, vinous, mixed or fermented liquor to any minor, apprentice or servant, or insane, idiotic or distracted person, habitual drunkard, or person intoxicated.

FORTY-NINTH—To establish markets and market-houses, and provide for the regulation and use thereof.

FIFTIETH—To regulate the sale of meats, poultry, fish, butter, cheese, lard, vegetables, and all other provisions, and to provide for place and manner of selling the same.

FIFTY-FIRST—To prevent and punish forestalling and regrating.

FIFTY-SECOND—To regulate the sale of bread in the city or village; prescribe the weight and quality of the bread in the loaf.

FIFTY-THIRD—To provide for and regulate the inspection of meats, poultry, fish, butter, cheese, lard, vegetables, cotton, tobacco, flour, meal and other provisions.

FIFTY-FOURTH—To regulate the inspection, weighing and measuring of brick, lumber, fire wood, coal, hay, and any article of merchandise.

FIFTY-FIFTH—To provide for the inspection and sealing of weights and measures.

FIFTY-SIXTH—To enforce the keeping and use of proper weights and measures by vendors.

FIFTY-SEVENTH—To regulate the construction, repairs and use of vaults, cisterns, areas, hydrants, pumps, sewers and gutters.

FIFTY-EIGHTH—To regulate places of amusement.

FIFTY-NINTH—To prevent intoxication, fighting, quarreling, dog fights, cock fights, and all disorderly conduct.

SIXTIETH—To regulate partition fences and party walls.

SIXTY-FIRST—To prescribe the thickness, strength and manner of constructing stone, brick and other buildings, and construction of fire escapes therein.

SIXTY-SECOND—The city council, and the president and trustees in villages, for the purpose of guarding against the calamities of fire, shall have power to prescribe the limits within which wooden buildings shall not be erected or repaired, without permission, and to direct that all and any buildings within the fire limits, when the same shall have been damaged by fire, decay, or otherwise, to the extent of fifty per cent of the value, shall be torn down or removed, and to prescribe the manner of ascertaining such damage.

SIXTY-THIRD—To prevent the dangerous construction and condition of chimneys, fire-places, hearths, stoves, stove-pipes, ovens, boilers, and apparatus used in and about any building or manufactory, and to cause the same to be removed or placed in a safe condition, when considered dan-

gerous; to regulate and prevent the carrying on of manufactories dangerous in causing and promoting fires; to prevent the deposit of ashes in unsafe places, and to cause all such buildings and enclosures as may be in a dangerous state to be put in a safe condition.

SIXTY-FOURTH—To erect engine houses, and provide fire engines, hose carts, hooks and ladders, and other implements for prevention and extinguishment of fires, and provide for the use and management of the same by voluntary fire companies or otherwise.

SIXTY-FIFTH—To regulate and prevent storage of gunpowder, tar, pitch, resin, coal oil, benzine, turpentine, hemp, cotton, nitro glycerine, petroleum, or any of the products thereof, and other combustible or explosive material, and the use of lights in stables, shops and other places, and the building of bonfires; also to regulate and restrain the use of fire-works, fire-crackers, torpedoes, Roman candles, sky-rockets, and other pyrotechnic displays.

SIXTY-SIXTH—To regulate the police of the city or village, and pass and enforce all necessary police ordinances.

SIXTY-SEVENTH—To provide for the inspection of steam boilers.

SIXTY-EIGHTH—To prescribe the duties and powers of a superintendent of police, policemen and watchmen.

SIXTY-NINTH—To establish and erect calaboozes, bridewells, houses of correction and workhouses, for the reformation and confinement of vagrants, idle and disorderly persons, and persons convicted of violating any city or village ordinance, and make rules and regulations for the government of the same, and appoint necessary keepers and assistants.

SEVENTIETH—To use the county jail for the confinement or punishment of offenders, subject to such conditions as are imposed by law, and with the consent of the county board.

SEVENTY-FIRST—To provide by ordinance in regard to the relation between all the officers and employes of the corporation in respect to each other, the corporation and the people.

SEVENTY-SECOND—To prevent and suppress riots, routs, affrays, noises, disturbances, disorderly assemblies in any public or private place.

SEVENTY-THIRD—To prohibit and punish cruelty to animals.

SEVENTY-FOURTH—To restrain and punish vagrants, mendicants and prostitutes.

SEVENTY-FIFTH—To declare what shall be a nuisance, and to abate the same; and to impose fines upon parties who may create, continue or suffer nuisances to exist.

SEVENTY-SIXTH—To appoint a board of health, and prescribe its powers and duties.

SEVENTY-SEVENTH—To erect and establish hospitals and medical dispensaries, and control and regulate the same.

SEVENTY-EIGHTH—To do all acts, make all regulations which may be necessary or expedient for the promotion of health or the suppression of disease.

SEVENTY-NINTH—To establish and regulate cemeteries, within or without the corporation, and acquire lands therefor, by purchase or otherwise, and cause cemeteries to be removed, and prohibit their establishment within one mile of the corporation.

EIGHTIETH—To regulate, restrain and prohibit the running at large of horses, cattle, swine, sheep, goats, geese and dogs, and to impose a tax on dogs.

EIGHTY-FIRST—To direct the location and regulate the management and construction of packing houses, renderies, tallow chandleries, bone factories, soap factories and tanneries, within the limits of the city or villages and within the distance of one mile without the city or village limits.

EIGHTY-SECOND—To direct the location and regulate the use and construction of breweries, distilleries, livery stables, blacksmith shops and foundries within the limits of the city or village.

EIGHTY-THIRD—To prohibit any offensive or unwholesome business or establishment within, or within one mile of the limits of the corporation.

EIGHTY-FOURTH—To compel the owner of any grocery, cellar, soap or tallow chandlery, tannery, stable, pig-sty, privy, sewer, or other unwholesome or nauseous house or place, to cleanse, abate or remove the same, and to regulate the location thereof.

EIGHTY-FIFTH—The city council, or trustees of a village, shall have power to provide for the taking of the city or village census; but no city or village census shall be taken by authority of the council or trustees oftener than once in three years.

EIGHTY-SIXTH—To provide for the erection and care of all public buildings necessary for the use of the city or village.

EIGHTY-SEVENTH—To establish ferries, toll bridges, and license and regulate the same, and, from time to time, fix tolls thereon. [See § 186.]

EIGHTY-EIGHTH—To authorize the construction of mills, mill-races and feeders on, through or across the streets of the city or village, at such places and under such restrictions as they shall deem proper.

EIGHTY-NINTH—The city council shall have power, by condemnation or otherwise, to extend any street, alley or highway over or across, or to construct any sewer under or through any railroad track, right of way, or land of any railroad company (within the corporate limits); but where no compensation is made to such railroad company, the city shall restore such railroad track, right of way or land to its former state, or in a sufficient manner not to have impaired its usefulness.

NINETIETH—The city council or board of trustees shall have no power to grant the use of, or the right to lay down, any railroad track in any street of the city, to any steam or horse railroad company, except upon a petition of the owners of the land representing more than one-half of the frontage of the street, or so much thereof as is sought to be used for railroad purposes.

NINETY-FIRST—To tax, license and regulate auctioneers, distillers, brewers, lumber yards, livery stables, public scales, money changers and brokers.

NINETY-SECOND—To prevent and regulate the rolling of hoops, playing of ball, flying of kites, or any other amusement or practice having a tendency to annoy persons passing in the streets or on the sidewalks, or to frighten teams and horses.

NINETY-THIRD—To regulate and prohibit the keeping of any lumber yard, and the placing or piling or selling any lumber, timber, wood or other combustible material, within the fire limits of the city.

NINETY-FOURTH—To provide, by ordinance, that all the paper, printing, stationery, blanks, fuel, and all the supplies needed for the use of the city, shall be furnished by contract, let to the lowest bidder.

NINETY-FIFTH—To tax, license and regulate second-hand and junk stores, and to forbid their purchasing or receiving from minors, without the written consent of their parents or guardians, any article whatsoever.

NINETY-SIXTH—To pass all ordinances, rules, and make all regulations, proper or necessary, to carry into effect the powers granted to cities or villages, with such fines or penalties as the city council or board of trustees shall deem proper: *Provided*, no fine or penalty shall exceed \$200, and no imprisonment shall exceed six months for one offense.

64. STYLE OF ORDINANCES.

§ 2. The style of the ordinances in cities shall be: "Be it ordained by the city council of....."

65. PUBLICATION OF ORDINANCES—WHEN TAKE EFFECT.

§ 3. All ordinances of cities and villages imposing any fine, penalty, imprisonment or forfeiture, or making any appropriation, shall, within one month after they are passed, be published at least once in a newspaper published in the city or village, or, if no such newspaper is published therein, by posting copies of the same in three public places in the city or village; and no such ordinance shall take effect until ten days after it is so published. And all other ordinances, orders and resolutions shall take effect from and after their passage, unless otherwise provided therein.

66. PROOF OF ORDINANCES.

§ 4. All ordinances, and the date of publication thereof, may be proven by the certificate of the clerk, under the seal

of the corporation. And when printed in book or pamphlet form, and purporting to be published by authority of the board of trustees or the city council, the same need not be otherwise published; and such book or pamphlet shall be received as evidence of the passage and legal publication of such ordinances, as of the dates mentioned in such book or pamphlet, in all courts and places without further proof.

67. SUITS FOR VIOLATING ORDINANCES.

§ 5. All actions brought to recover any fine, or to enforce any penalty under any ordinance of any city or village, shall be brought in the corporate name of the city or village as plaintiff; and no prosecution, recovery or acquittal, for the violation of any such ordinance, shall constitute a defense to any other prosecution of the same party for any other violation of any such ordinance, although the different causes of action existed at the same time, and, if united, would not have exceeded the jurisdiction of the court or magistrate.

68. FINES AND LICENSES—PAID TO TREASURER.

§ 6. All fines and forfeitures for the violation of ordinances, when collected, and all moneys collected for licenses or otherwise, shall be paid into the treasury of the corporation, at such times and in such manner as may be prescribed by ordinance.

69. SUMMONS—AFFIDAVIT—PUNISHMENT.

§ 7. In all actions for the violation of any ordinance, the first process shall be a summons; *Provided, however*, that a warrant for the arrest of the offender may issue in the first instance upon the affidavit of any person that any such ordinance has been violated, and that the person making the complaint has reasonable grounds to believe the

party charged is guilty thereof; and any person arrested upon such warrant shall, without unnecessary delay, be taken before the proper officer to be tried for the alleged offense. Any person upon whom any fine or penalty shall be imposed, may, upon the order of the court or magistrate before whom the conviction is had, be committed to the county jail or the calaboose, city prison, workhouse, house of correction, or other place provided by the city or village for the incarceration of offenders, until such fine, penalty and cost shall fully be paid; *Provided*, that no such imprisonment shall exceed six months for any one offense. The city council or board of trustees shall have power to provide, by ordinance, that every person so committed shall be required to work for the corporation, at such labor as his or her strength will permit, within and without such prison, work-house, house of correction, or other place provided for the incarceration of such offenders, not exceeding ten hours each working day; and for such work the person so employed to be allowed, exclusive of his or her board, \$2 for each day's work on account of such fine and cost.

70. JURISDICTION OF JUSTICES, ETC.

§ 8. Any and all justices of the peace and police magistrates shall have jurisdiction in all cases arising under the provisions of this act, or any ordinance passed in pursuance thereof.

71. CONSTABLE OR SHERIFF MAY SERVE PROCESS, ETC.

§ 9. Any constable or sheriff of the county may serve any process, or make any arrests authorized to be made by any city officer.

72. JURISDICTION OVER WATERS—STREET LABOR.

§ 10. The city or village government shall have jurisdiction upon all waters within or bordering upon the same,

to the extent of three miles beyond the limits of the city or village, but not to exceed the limits of the state; and may, by ordinance, require every able-bodied male inhabitant, of such city or village, above the age of twenty-one years and under the age of fifty years, (excepting paupers, idiots, lunatics, and such others as are exempt by law), to labor on the streets and alleys of such city or village, not more than three days in each year; but such ordinance shall provide for commutation of such labor at not more than one dollar and fifty cents per day. [As amended by act approved April 10th, 1875. In force July 1, 1875.]

ARTICLE VI.

OFFICERS—THEIR POWERS AND DUTIES.

73. OFFICERS.

§ 1. There shall be elected, in all cities organized under this act, the following officers, viz: a mayor, a city council, a city clerk, city attorney, and a city treasurer.

74. OTHER OFFICERS—DUTIES OF CITY MARSHAL.

§ 2. The city council may, in its discretion, from time to time, by ordinance passed by a vote of two-thirds of all the aldermen elected, provide for the election by the legal voters of the city, or the appointment by the mayor, with the approval of the city council, of a city collector, a city marshal, a superintendent of streets, a corporation council, a city comptroller, or any or either of them, and such other officers as may by said council be deemed necessary or expedient. The city council may by a like vote, by ordinance or resolution, to take effect at the end of the then fiscal year, discontinue any office so created, and devolve the duties thereof on any other city officer, and no officer filling

any such office so discontinued, shall have any claim against the city on account of his salary, after such discontinuance. The city marshal shall perform such duties as shall be prescribed by the city council for the preservation of the public peace, and the observance and enforcement of the ordinances and laws; he shall possess the power and authority of a constable at common law, and under the statutes of this state.

75. APPOINTMENTS—VACANCIES—DUTIES—POWERS.

§ 3. All officers of any city, except where herein otherwise provided, shall be appointed by the mayor, (and vacancies in all offices except the mayor and aldermen shall be filled by like appointment), by and with the advice and consent of the city council. The city council may, by ordinance, not inconsistent with the provisions of this act, prescribe the duties and define the powers of all such officers, together with the term of any such office; *Provided*, the term shall not exceed two years. [See §§ 16, 10, 33.]

76. OATH—BOND.

§ 4. All officers of any city or village, whether elected or appointed, shall, before entering upon the duties of their respective offices, take and subscribe the following oath or affirmation.

I do solemnly swear (or affirm, as the case may be,) that I will support the constitution of the United States, and the constitution of the State of Illinois, and that I will faithfully discharge the duties of the office of..... according to the best of my ability.

Which oath or affirmation, so subscribed, shall be filed in the office of the clerk. And all such officers, except aldermen and trustees, shall before entering upon the duties of their respective offices, execute a bond with security, to be approved, by the city council or board of trustees, payable to the city or village, in such penal sum as may, by reso-

lution or ordinance, be directed, conditioned for the faithful performance of the duties of the office and the payment of all moneys received by such officer, according to law and the ordinances of said city or village; *Provided, however*, that in no case shall the mayor's bond be fixed at a less sum than three thousand (\$3,000); nor shall the treasurer's bond be fixed at a less sum than the amount of the estimated tax and special assessments for the current year—which bonds shall be filed with the clerk (except the bond of the clerk, which shall be filed with the treasurer).

77. COMMISSION—CERTIFICATE—DELIVERY TO SUCCESSORS.

§ 5. All officers elected or appointed under this act (except the clerk, aldermen and mayor, and trustees), shall be commissioned by warrant, under the corporate seal, signed by the clerk and the mayor or presiding officer of the city council or board of trustees. The mayor or president of the board of trustees shall issue a certificate of appointment or election, under the seal of the corporation, to the clerk thereof, and any person having been an officer of the city or village, shall, within five days after notification and request, deliver to his successor in office all property, books and effects of every description in his possession, belonging to the city or village, or appertaining to his said office; and upon his refusal to do so, shall be liable for all the damages caused thereby and to such penalty as may by ordinance be prescribed.

78. QUALIFICATION OF OFFICERS.

§ 6. No person shall be eligible to any office who is not a qualified elector of the city or village, and who shall not have resided therein at least one year next preceding his election or appointment, nor shall any person be eligible to any office who is a defaulter to the corporation.

79. NOT INTERESTED IN CONTRACTS, ETC.

§ 7. No officer shall be directly or indirectly interested in any contract work, or business of the city, or the sale of any article, the expense, price or consideration of which is paid from the treasury, or by any assessment levied by any act or ordinance; nor in the purchase of any real estate or other property belonging to the corporation, or which shall be sold for taxes or assessments, or by virtue of legal process at the suit of said corporation.

80. BRIBERY—PENALTY.

§ 8. Every person who shall promise, offer or give, or cause, or aid, or abet, in causing to be promised, offered or given, or furnish or agree to furnish, in whole or in part, to be promised, offered or given to any member of the city council or board of trustees, or any officer of the corporation, after or before his election or appointment as such officer, any moneys, goods, rights in action, or other property or anything of value, or any pecuniary advantage, present or prospective, with intent to influence his vote, opinion, judgment or action on any question, matter, cause or proceeding which may be then pending, or may by law be brought before him in his official capacity, shall, upon conviction, be imprisoned in the penitentiary for a term not exceeding two years, or shall be fined not exceeding \$5,000, or both, in the discretion of the court. Every officer who shall accept any such gift or promise, or undertaking to make the same under any agreement or understanding that his vote, opinion, judgment or action shall be influenced thereby, or shall be given in any question, matter, cause, or proceeding then pending, or which may by law be brought before him in his official capacity, shall, upon conviction, be disqualified from holding any public office,

trust, or appointment under the city or village, and shall forfeit his office, and shall be punished by imprisonment in the penitentiary not exceeding two years, or by a fine not exceeding \$5,000, or both, in the discretion of the court. Every person offending against either of the provisions of this section shall be a competent witness against any other person offending in the same transaction, and may be compelled to appear and give evidence before any grand jury or in any court in the same manner as other persons; but the testimony so given shall not be used in any prosecution or proceeding, civil or criminal, against the person so testifying.

81. MAYOR ETC., NOT TO HOLD OTHER OFFICE.

§ 9. No mayor, aldermen, city clerk, or treasurer, shall hold any other office under the city government during his term of office.

82. DUTIES OF CLERK.

§ 10. The clerk shall keep the corporate seal, to be provided under the direction of the city council or board of trustees, and all papers belonging to the city or village; he shall attend all meetings of the city council or board of trustees, and keep a full record of all its proceedings in the journal; and copies of all papers duly filed in his office and transcripts from the journals and other records and files of his office, certified by him under the corporate seal, shall be evidence in all courts in like manner as if the originals were produced.

83. RECORD OF ORDINANCES.

§ 11. The clerk shall record, in a book to be kept for that purpose, all ordinances passed by the city council or board of trustees, and at the foot of the record of each ordi-

nance so recorded shall make a memorandum of the date of the passage and of the publication or posting of such ordinance, which record and memorandum, or a certified copy thereof, shall be *prima facie* evidence of the passage and legal publication or posting of such ordinances for all purposes whatsoever.

84. CONSERVATORS OF THE PEACE—POWERS.

§ 12. The trustees in villages, the mayor, aldermen, and the marshal and his deputies, policemen and watchmen, in cities, if any such be appointed, shall be conservators of the peace; and all officers created conservators of the peace by this act, or authorized by any ordinance, shall have power to arrest, or cause to be arrested, with or without process, all persons who shall break the peace, or be found violating any ordinance of the city or village, or any criminal law of the state, commit for examination, and if necessary, detain such persons in custody over night or Sunday in the watch-house, or any other safe place, or until they can be brought before the proper magistrate, and shall have and exercise such other powers, as conservators of the peace, as the city council or board of trustees may prescribe. All warrants for the violation of ordinances, and all criminal warrants to whomsoever directed, may be served and executed within the corporate limits of any such city or village by any policemen of such city or village; such policemen being hereby clothed with all the common law and statutory power of constables for such purposes. [As amended by act approved June 14, 1883. In force July 1, 1883. L. 1883, p. 58.]

85. COMPENSATION OF MAYOR.

§ 13. The mayor of any city shall receive such compen-

sation as the city council may by ordinance direct, but his compensation shall not be changed during his term of office.

86. COMPENSATION OF ALDERMEN AND TRUSTEES.

§ 14. The aldermen and trustees may receive such compensation for their services as shall be fixed by ordinance; *Provided, however*, such compensation shall not exceed \$3 to each alderman or trustee for each meeting of the city council, or board of trustees, actually attended by him, and no other compensation than for attendance upon such meetings shall be allowed to any alderman or trustee for any services whatsoever. Such compensation shall not be changed, after it has been once established, so as to take effect as to any alderman or trustee voting for such change, during his term of office.

87. COMPENSATION OF OTHER OFFICERS.

§ 15. All other officers may receive a salary, fees, or other compensation to be fixed by ordinance, and after the same has been once fixed such fees or compensation shall not be increased or diminished, to take effect during the term for which any such officer was elected or appointed; and every such officer shall make and return to the mayor, or president of the board of trustees, a semi-annual report, verified by affidavit, of all such fees and emoluments received by him.

88. ADMINISTERING OATHS.

§ 16. The mayor of any city, and the clerk of any city or village, shall have power to administer oaths and affirmations upon all lawful occasions.

ARTICLE VII.

OF FINANCE.

89. FISCAL YEAR.

§ 1. The fiscal year of each city or village organized under this act shall commence at the date established by law for the annual election of municipal officers therein, or at such other times as may be fixed by ordinance.

90. ANNUAL APPROPRIATION ORDINANCE.

§ 2. The city council of cities, and board of trustees in villages, shall, within the first quarter of each fiscal year, pass an ordinance, to be termed the annual appropriation bill, in which such corporate authorities may appropriate such sum or sums of money as may be deemed necessary to defray all necessary expenses and liabilities of such corporation; and in such ordinance shall specify the objects and purposes for which such appropriations are made, and the amount appropriated for each object or purpose. No further appropriations shall be made at any other time within such fiscal year, unless the proposition to make each appropriation has been first sanctioned by a majority of the legal voters of such city or village, either by a petition signed by them, or at a general or special election duly called therefor.

91. LIMITATION—EMERGENCY—BORROWING MONEY.

§ 3. Neither the city council nor the board of trustees, nor any department or officer of the corporation, shall add to the corporation expenditures in any one year anything over and above the amount provided for in the annual appropriation bill of that year, except as is herein otherwise specially provided; and no expenditure for an improvement to be paid for out of the general fund of the corporation shall exceed, in any one year, the amount

provided for such improvement in the annual appropriation bill; *Provided, however,* that nothing herein contained shall prevent the city council or board of trustees from ordering, by a two-thirds vote, any improvement the necessity of which is caused by any casualty or accident happening after such annual appropriation is made. The city council or board of trustees may, by a like vote, order the mayor or the president of the board of trustees and finance committee to borrow a sufficient amount to provide for the expense necessary to be incurred in making any improvements, the necessity of which has arisen as is last above mentioned, for a space of time not exceeding the close of the next fiscal year—which sum, and the interest, shall be added to the amount authorized to be raised in the next general tax levy, and embraced therein. Should any judgment be obtained against the corporation, the mayor, or president of the board of trustees and finance committee, under the sanction of the city council or board of trustees, may borrow a sufficient amount to pay the same, for a space of time not exceeding the close of the next fiscal year—which sum and interest shall, in like manner, be added to the amount authorized to be raised in the general tax levy of the next year, and embraced therein.

92. CONTRACTING LIABILITIES LIMITED.

§ 4. No contract shall be hereafter made by the city council or board of trustees, or any committee or member thereof; and no expense shall be incurred by any of the officers of the departments of the corporation, whether the object of the expenditures shall have been ordered by the city council or board of trustees or not, unless an appropriation shall have been previously made concerning such

expense, except as herein otherwise expressly provided.

93. DUTIES OF TREASURER.

§ 5. The treasurer shall receive all moneys belonging to the corporation, and shall keep his books and accounts in such manner as may be prescribed by ordinance, and such books and accounts shall always be subject to the inspection of any member of the city council or board of trustees.

94. SEPARATE ACCOUNTS.

§ 6. He shall keep a separate account of each fund or appropriation, and the debts and credits belonging thereto.

95. RECEIPTS.

§ 7. He shall give every person paying money into the treasury a receipt therefor, specifying the date of payment, and upon what account paid; and he shall also file copies of such receipts with the clerk, at the date of his monthly reports.

96. MONTHLY STATEMENTS—WARRANTS—VOUCHERS—REGISTER.

§ 8. The treasurer shall, at the end of each and every month, and oftener, if required, render an account to the city council or board of trustees, or such officer as may be designated by ordinance (under oath) showing the state of the treasury at the date of such account, and the balance of money in the treasury. He shall also accompany such accounts with a statement of all moneys received into the treasury, and on what account, together with all warrants redeemed and paid by him; which said warrants, with any and all vouchers held by him, shall be delivered to the clerk, and filed with his said account in the clerk's office, upon every day of such settlement. He shall return all warrants paid by him stamped or marked "paid." He shall also keep a register of all warrants redeemed and paid,

which shall describe such warrants, and show the date, amount, number, the fund from which paid, the name of the person to whom and when paid.

97. DEPOSIT OF FUNDS—SEPARATE FROM HIS.

§ 9. The treasurer may be required to keep all moneys in his hands belonging to the corporation, in such place or places of deposit as may be designated by ordinance; *Provided, however*, no such ordinance shall be passed by which the custody of such money shall be taken from the treasurer and deposited elsewhere than in some regularly organized bank, nor without a bond to be taken from such bank, in such penal sum and with such security as the city council or board of trustees shall direct and approve, sufficient to save the corporation from any loss; but such penal sum shall not be less than the estimated receipts for the current year from taxes and special assessments levied, or to be levied, by the corporation. The treasurer shall keep all moneys belonging to the corporation in his hands separate and distinct from his own moneys, and he is hereby expressly prohibited from using, either directly or indirectly, the corporation money or warrants in his custody and keeping, for his own use and benefit, or that of any other person or persons whomsoever; and any violation of this provision shall subject him to immediate removal from office by the city council or board of trustees, who are hereby authorized to declare said office vacant; and in which case his successor shall be appointed, who shall hold his office for the remainder of the term unexpired of such officer so removed.

98. TREASURER'S ANNUAL REPORT—PUBLICATION.

§ 10. The treasurer shall report to the city council or board of trustees, as often as required, a full and detailed

account of all receipts and expenditures of the corporation, as shown by his books, up to the time of said report; and he shall, annually, between the first and tenth of April, make out and file with the clerk a full and detailed account of all such receipts and expenditures, and of all his transactions as such treasurer, during the preceding fiscal year, and shall show in such account the state of the treasury at the close of the fiscal year; which account the clerk shall immediately cause to be published in a newspaper printed in such city, if there be one, and if not, then by posting the same in a public place in the clerk's office.

99. WARRANTS.

§ 11. All warrants drawn upon the treasurer must be signed by the mayor and countersigned by the clerk, stating the particular fund or appropriation to which the same is chargeable, and the person to whom payable; and no money shall be otherwise paid than upon such warrants so drawn, except as hereinafter provided.

100. SPECIAL ASSESSMENT FUNDS KEPT SEPARATE.

§ 12. All moneys received on any special assessment shall be held by the treasurer as a special fund, to be applied to the payment of the improvement for which the assessment was made, and said money shall be used for no other purpose whatever, unless to reimburse such corporation for money expended for such improvement.

101. CITY COLLECTOR—HIS DUTIES.

§ 13. It shall be the duty of the collector, when one is appointed, to preserve all warrants which are returned into his hands, and he shall keep such books and his accounts in such manner as the city council may prescribe. Such war-

rants, books, and all papers pertaining to his office, shall at all times be open to the inspection of and subject to the examination of the mayor, city clerk, any member of the council, or committee thereof. He shall weekly, and oftener if required by the council, pay over to the treasurer all moneys collected by him from any source whatever, taking such treasurer's receipt therefor, which receipt he shall immediately file with the city clerk; but the city clerk shall, at the time, or on demand, give such tax collector a copy of any such receipt so filed.

102. HE SHALL REPORT, ETC., PUBLICATION.

§ 14. He shall make a report, in writing, to the council, or any officer designated by the council, of all moneys collected by him, the account whereon collected, or of any other matter in connection with his office, when required by the council or by any ordinance of the city. He shall also, annually, between the first and tenth of April, file with the clerk a statement of all the moneys collected by him during the year, the particular warrant, special assessment or account on which collected, the balance of moneys uncollected on all warrants in his hands, and the balance remaining uncollected at the time of the return on all warrants which he shall have returned, during the preceding fiscal year, to the city clerk. The city clerk shall publish or post the same, as hereinbefore required to be done in regard to the annual report of the treasurer. [See § 98.]

103. NOT TO DETAIN MONEY—PENALTY.

§ 15. The collector is hereby expressly prohibited from keeping the moneys of the city in his hands, or in the hands of any person or corporation, to his use, beyond the time which may be prescribed for the payment of the same to

the treasurer, and any violation of this provision will subject him to immediate removal from office.

104. EXAMINATION OF HIS BOOKS—PAYING OVER.

§ 16. All the city collector's papers, books, warrants and vouchers may be examined at any time by the mayor or clerk or any member of the city council; and the collector shall every two weeks or oftener, if the city council so direct, pay over all money collected by him from any person or persons, or associations, to the treasurer, taking his receipt therefor in duplicate, one of which receipts he shall at once file in the office of the clerk.

105. CITY COMPTROLLER—HIS POWERS AND DUTIES.

§ 17. The city comptroller (if there shall be any city comptroller appointed, if not, then the clerk) shall exercise a general supervision over all the officers of the corporation charged in any manner with the receipt, collection or disbursement of corporation revenues, and the collection and return of all such revenues into the treasury. He shall have the charge, custody and control of all deeds, leases, warrants, vouchers, books and papers of any kind, the custody and control of which is not herein given to any other officers; and he shall, on or before the fifteenth day of May, in each year, and before the annual appropriations to be made by the city council or the board of trustees, submit to the city council or the board of trustees a report of his estimates, as nearly as may be, of moneys necessary to defray the expenses of the corporation during the current fiscal year. He shall, in said report, class the different objects and branches of expenditures, giving, as nearly as may be, the amount required for each; and for the purpose of

making such report, he is authorized to require of all officers their statement of the condition and expenses of their respective offices or departments, with any proposed improvements and the probable expense thereof, all contracts made and unfinished, and the amount of any and all unexpended appropriations of the preceding year. He shall, in such report, show the aggregate income of the preceding fiscal year, from all sources, the amount of liabilities outstanding upon which interest is to be paid, the bonds and debts payable during the year, when due and when payable; and in such report he shall give such other information to the council or board of trustees as he may deem necessary, to the end that the city council or board of trustees may fully understand the money exigencies and demands upon the corporation for the current year.

106. COUNCIL MAY DEFINE THE DUTIES—TRANSFER OF CLERK'S FINANCIAL DUTIES.

§ 18. When there shall be appointed in any city a comptroller, the city council may, by ordinance or resolution, confer upon him such powers, and provide for the performance of such duties by him, as the city council shall deem necessary and proper; and all the provisions of this act relating to the duties of city clerk, or the powers of city clerk in connection with the finances, the treasurer and collector, or the receipt and disbursements of the moneys of such city, shall be exercised and performed by such comptroller, if one there shall be appointed; and to that end and purpose, wherever in this act heretofore the word "clerk" is used, it shall be held to mean "comptroller"; and wherever the "clerk's office" is referred to, it shall be held to mean "comptroller's office."

107. RECORD OF BONDS ISSUED BY CITY.

§ 19. The comptroller, when there shall be a comptroller, and if not, then the clerk, shall keep in his office in a book or books kept expressly for that purpose, a correct list of all the outstanding bonds of the city, showing the number and amount of each, for and to whom the said bonds are issued, and when any city bonds are purchased, or paid, or cancelled, said book or books shall show the fact; and in his annual report he shall describe, particularly the bonds sold during the year, and the terms of sale, with each and every item of expense thereof.

GENERAL PROVISIONS.**108. FURTHER DUTIES MAY BE REQUIRED.**

§ 20. The collector and treasurer, and all other officers connected with the receipt and expenditure of money, shall perform such other duties, and be subject to such other rules and regulations as the city council or board of trustees may, from time to time, by ordinance, provide and establish.

109. APPEAL TO FINANCE COMMITTEE.

§ 21. In the adjustment of accounts of the collector or treasurer with the clerk (or comptroller, if there be one), there shall be an appeal to the finance committee of the council or board of trustees, whose decision in all matters of controversy arising between said officers shall be binding unless the city council or board of trustees shall otherwise direct and provide.

110. WHO MAY APPOINT SUBORDINATES.

§ 22. The comptroller (if there shall be one), the clerk, treasurer and collector, shall, severally, appoint such vari-

ous clerks and subordinates in their respective offices as the city council or board of trustees may authorize, and shall be held, severally, responsible for the fidelity of all persons so appointed by them.

111. FOREIGN INSURANCE COMPANIES—LICENSE, ETC.—PENALTIES.

§ 23. All corporations, companies or associations not incorporated under the laws of this state, engaged in any city in affecting fire insurance, shall pay to the treasurer the sum of \$2 upon the \$100 of the net receipts by their agency in such city, and at that rate upon the amount of all premiums which, during the half year ending on every first day of July and January, shall have been received for any insurance effected or agreed to be effected in the city or village, by or with such corporation, companies or associations, respectively. Every person who shall act in any city or village as agent, or otherwise, for or on behalf of any such corporation, company, or association, shall, on or before the fifteenth day of July and January, in each year, render to the comptroller (if any there be, if not, to the clerk), a full, true, and just account, verified by his oath of all premiums which, during the half year ending on every first day of July and January preceding such report, shall have been received by him, or any other person for him, in behalf of any such corporation, company or association, and shall specify in said account the amounts received for fire insurance. Such agents shall also pay over to the treasurer, at the time of rendering the aforesaid account, the amount of rates for which the company or companies represented by them are severally chargeable by virtue hereof. If such account be not rendered on or before the day hereinbefore designated for that purpose, or

if the said rates shall remain unpaid after that date, it shall be unlawful for any corporation, company or association so in default to transact any business of insurance in any such city or village, until the said requisitions shall have been fully complied with; but this provision shall not relieve any company from the payment of any risk that may be taken in violation hereof. Any person or persons violating any of the provisions of this section shall be subject to indictment, and upon conviction thereof, in any court of competent jurisdiction, shall be fined in any sum not exceeding \$1,000, or imprisonment not exceeding six months, or both, in the direction of the court. Said rates may also be recovered of such corporation, company or association, or its agent, by action in the name and for the use of any such city or village, as for money had and received for its use; *Provided*, that this section shall only apply to such cities and villages as have an organized fire department, or maintain some organization for the prevention of fires.

ARTICLE VIII.

OF THE ASSESSMENT AND COLLECTION OF TAXES.

112. ORDINANCE LEVYING TAX.

§ 1. The city council in cities, and board of trustees in villages, may assess and collect taxes for corporate purposes, in the following manner: The city council or board of trustees, as the case may be, shall, on or before the third (3rd) Tuesday in *September*, in each year, ascertain the total amount of appropriations for all corporate purposes legally made, and to be collected from the tax levy of that fiscal year, and, by an ordinance specifying in detail the purposes for which such appropriations are made, and the sum

or amount appropriated for each purpose, respectively, levy the amount so ascertained upon all the property subject to taxation within the city or village, as the same is assessed and equalized for state and county purposes for the current year. A certified copy of such ordinance shall be filed with the county clerk of the proper county, whose duty it shall be to ascertain the rate per cent, which upon the total valuation of all property subject to taxation within the city or village, as the same is assessed and equalized for state and county purposes, will produce a net amount not less than the amount so directed to be levied; and it shall be the duty of the county clerk to extend such tax, in a separate column, upon the book or books of the collector or collectors of the state and county taxes, within such city or village; *Provided*, the aggregate amount of taxes levied for any one year, exclusive of the amount levied for the payment of bonded indebtedness or the interest thereon, shall not exceed the rate of two (2) per centum, upon the aggregate valuation of all property within such city or village, subject to taxation therein, as the same was equalized for state and county taxes of the preceding year. (As amended by act approved May 28, 1879. In force July 1, 1879; l. 1879, p. 66.)

113. MANNER OF COLLECTING.

§ 2. The tax so assessed shall be collected and enforced in the same manner and by the same officers as state and county taxes, and shall be paid over by the officers collecting the same to the treasurer of the city or village.

114. TIME OF PAYING OVER.

§ 3. It shall be the duty of the officer collecting such tax to settle with and pay over to such treasurer, as often

as once in two weeks from the time he shall commence the collection thereof, all such taxes as he shall then have collected, till the whole tax collected shall be paid over.

115. WHEN TAX LEVIED FOR PARTICULAR PURPOSE.

§ 4. Whenever any city or village is required to levy a tax for the payment of any particular debt, appropriation or liability of the same, the tax for such purpose shall be included in the total amount assessed by the city council or board of trustees, and certified to the county clerk as aforesaid; but the city council or board of trustees shall determine, in the ordinance making such assessment, what proportion of such total amount shall be applicable to the payment of such particular debt, appropriation or liability; and the city or village treasurer shall set apart such proportion of the tax collected and paid to him for the payment of such particular debt, appropriation or liability, and shall not disburse the same for any other purpose until such debt, appropriation or liability, shall have been discharged.

116. UNIFORMITY.

§ 5. All taxes levied or assessed by any city or village, except special assessments for local improvements, shall be uniform upon all taxable property and persons within the limits of the city, and no property shall be exempt therefrom other than such property as may be exempt from taxation under the constitution and general law of the state.

ARTICLE IX.

SPECIAL ASSESSMENTS FOR LOCAL IMPROVEMENTS.

117. POWERS CONFERRED.

§ 1. That the corporate authorities of cities and villages

are hereby vested with power to make local improvements by special assessment or by special taxation, or both, of contiguous property, or general taxation, or otherwise, as they shall by ordinance prescribe.

118. ORDINANCE FOR IMPROVEMENT.

§ 2. When any such city or village shall, by ordinance, provide for the making of any local improvement, it shall, by the same ordinance, prescribe whether the same shall be made by special assessment or by special taxation of contiguous property, or general taxation, or both.

119. WHEN PROPERTY IS TAKEN, ETC.

§ 3. Should said ordinance provide for improvements which require the taking or damaging of property, the proceeding for making just compensation therefor shall be as follows:

120. PETITION.

§ 4. Whenever any such ordinance shall be passed by the legislative authority of any such city or village, for the making of any improvement mentioned in the first section of this act, or any other local improvement that such city or village is authorized to make, the making of which will require that private property be taken or damaged for public use, such city or village shall file a petition in some court of record of the county in which such city is situated, in the name of the city, praying that "the just compensation to be made for private property to be taken or damaged for the improvement or purpose specified in such ordinance shall be ascertained by a jury."

121. FORM OF PETITION.

§ 5. Such petition shall contain a copy of the said ordi-

nance, certified by the clerk, under the corporate seal; a reasonably accurate description of the lots, parcels of land and property which will be taken or damaged, and the names of the owners and occupants thereof, so far as known to the board or officer filing the petition, and where any known owners are non-residents of the state, stating the fact of such non-residence.

122. SUMMONS—PUBLICATION—NOTICE.

§ 6. Upon the filing of the petition aforesaid, a summons, which may be made returnable upon any day in term time, shall be issued and served upon the persons made parties defendant, as in cases in chancery. And in case any of them are unknown, or reside out of this state, the clerk of the court, upon an affidavit being filed showing such fact, shall cause publication to be made in some newspaper printed in his county, or, if there be no newspaper published in his county, then in some newspaper published in this state containing notice of the pendency of such proceeding, the parties thereto, the title of the court, and the time and place of the return of the summons in the case, and the nature of said proceeding; such publication to be made for four weeks consecutively, at least once in each week, the first of which shall be at least thirty days before the return day of such summons. Notices so given by publication shall be sufficient to authorize the court to hear and determine the suit, as though all parties had been sued by their proper names and had been personally served. [As amended by act approved and in force March 30th, 1874.]

123. HEARING—JURY.

§ 7. Upon the return of said summons, or as soon thereafter as the business of the court will permit, the said court

shall proceed to the hearing of such petition, and shall impanel a jury to ascertain the just compensation to be paid to all such owners and occupants aforesaid; but if any defendant or party in interest shall demand, or the court shall deem it proper, separate juries may be impaneled as to the compensation or damages to be paid to any one or more of such defendants or parties interested. [As amended by act approved and in force March 30th, 1874.]

124. JURY TO ASCERTAIN COMPENSATION—ADMITTING OTHER PARTIES.

§ 8. Such jury shall also ascertain the just compensation to be paid to any person claiming an interest in any lot, parcel of land or property, which may be taken or damaged by such improvement, whether or not such person's name, or such lot, parcel of land, or other property, is mentioned or described in such petition: *Provided*, such persons shall first be admitted as a party defendant to said suit by such court, and shall file a statement of his interest in and description of the lot, parcel of land, or other property in respect to which he claims compensation.

125. VIEWING PREMISES—OWNERSHIP, ETC.

§ 9. The court may, upon the motion of such city or village, or of any person claiming such compensation, direct that said jury (under the charge of an officer of the court) shall view the premises which it is claimed by any party to said proceeding will be taken or damaged by said improvement, and in any case, where there is no satisfactory evidence given to the jury as to the ownership of, or as to the extent of the interest of any defendant in the property to be taken or damaged, the jury may return their verdict as to the compensation or damage to be paid for the property or part of property to be taken or dam-

aged, and for the entire interest therein. [As amended by act approved and in force March 30, 1874.]

126. JUDGMENT—NEW PARTIES—FURTHER PROCEEDINGS.

§ 10. Upon the return of such verdict, the court shall order the same to be recorded, and shall enter such judgment or decree thereon as the nature of the case may require. The court shall continue or adjourn the cause, from time to time, as to all occupants and owners named in such petition who shall not have been served with process, or brought in by publication, and shall order a new summons to issue and new publication to be made; and upon such occupant or owners being brought into court, shall impanel a jury to ascertain the compensation so to be paid to such defendant or defendants, for private property taken or damaged; and like proceeding shall be had for such purpose as hereinbefore provided for the ascertaining of compensation to other owners.

127. POWERS OF COURT.

§ 11. The court shall have power, at any time, upon proof that any such owner or owners named in such petition, who has not been served with process, has ceased to be such owner or owners since the filing of such petition, to impanel a jury and ascertain the just compensation to be made for the property (or the damage thereto) which had been owned by the person or persons so ceasing to own the same; and the court may, upon the finding or findings of any jury or juries, or at any time during the course of such proceedings, enter such order, rule, judgment or decree as the nature of the case may require.

128. OWNERSHIP—FURTHER POWERS OF COURT.

§ 12. No delay in making an assessment or compensa-

tion shall be occasioned by any doubt or contest which may arise as to the ownership of the property, or any part thereof, or as to the interest of the respective owners or claimants, but in such case the court may impanel a jury and ascertain the entire compensation or damage that should be paid for the property, or part of property, and the entire interests of all parties therein, and may require adverse claimants to interplead so as to fully determine their rights and interests in the compensation so ascertained. And the court may make such order as may be necessary in regard to the deposit or payment of such compensation.

129. PERSONS UNDER DISABILITY.

§ 13. When it shall appear, from said petition or otherwise, at any time during the proceedings upon such petition, that any infant, or insane or distracted person, is interested in any property that is to be taken or damaged, the court shall appoint a guardian, *ad litem*, for such infant or insane or distracted person, to appear and defend for him, her or them; and the court shall make such order or decree as it shall deem proper to protect and secure the interest of such infant, or insane or distracted person, in such property, or the compensation which shall be awarded therefor.

130. JUDGMENT—EFFECT—APPEAL, ETC.

§ 14. Any final judgment or judgments, rendered by said court, upon any finding or findings of any jury or juries, shall be a lawful and sufficient condemnation of the land or property to be taken upon the payment of the amount of such finding as hereinbefore provided. It shall be final and conclusive as to the damages caused by such

improvement, unless such judgment or judgments shall be appealed from; but no appeal or writ of error upon the same shall delay proceedings under said ordinance, if such city or village shall deposit, as directed by the court, the amount of the judgment and costs, and shall file a bond in the court in which such judgment was rendered, in a sum to be fixed and with security to be approved by the judge of said court, which shall secure the payment of any future compensation which may at any time be finally awarded to such party so appealing or suing out such writ of error, and his or her costs.

131. ORDER FOR POSSESSION.

§ 15. The court, upon proof that said just compensation so found by the jury has been paid to the person entitled thereto, or has been deposited as directed by the court (and bond given, in case of any appeal or writ of error), shall enter an order that the city or village shall have the right, at any time thereafter, to take possession of or damage the property, in respect to which such compensation shall have been so paid or deposited, as aforesaid.

132. WHEN IMPROVEMENT MADE BY GENERAL TAX.

§ 16. When the ordinance under which said improvement is ordered to be made shall provide that such improvement shall be made by general taxation, the cost of such improvement shall be added to the general appropriation bill of such city or village, and shall be levied and collected with and as part of the general taxes of such city or village.

133. SPECIAL TAXATION.

§ 17. When said ordinance under which said local improvement shall be ordered shall provide that such im-

provement shall be made by special taxation of contiguous property, the same shall be levied, assessed and collected in the way provided in the sections of this act providing for the mode of making, levying, assessing and collecting special assessments.

SPECIAL ASSESSMENT.

134. HOW MADE.

§ 18. When the ordinance under which said local improvement is ordered to be made shall provide that such improvement shall be wholly or in part made by special assessment, the proceedings for the making such special assessment shall be in accordance with the sections of this act [article] from 18 to 51 inclusive.

135. ORDINANCE FOR—SIDEWALKS—OWNER'S RIGHTS.

§ 19. Whenever such local improvements are to be made wholly or in part by special assessment, the said council in cities, or board of trustees in villages, shall pass an ordinance to that effect, specifying therein the nature, character, locality and description of such improvement: *Provided*, that whenever any such ordinance shall provide only for the building or renewing of any sidewalk, the owner of any lot or piece of land fronting on such sidewalk shall be allowed fifteen days after the time at which said ordinance shall take effect in which to build or renew such sidewalk opposite his land, and thereby relieve the same from assessment: *Provided*, that the work so to be done shall in all respects conform to the requirement of such ordinance.

136. ESTIMATE OF COST.

§ 20. The city council or board of trustees shall appoint

three of its members, or any other three competent persons, who shall make an estimate of the cost of the improvement contemplated by such ordinance, including labor, materials and all other expenses attending the same, and the cost of making and levying the assessment, and shall report the same in writing to said council or board of trustees.

137. ORDER FOR PROCEEDINGS IN COURT.

§ 21. On such report being made, and approved by the council or board of trustees, as the case may be, it may order a petition to be filed by such officer as it shall direct, in the county court of his county, for proceedings to assess the cost of such improvement in the manner provided in this act.

138. PETITION TO COURT.

§ 22. The petition shall be in the name of the corporation, and shall recite the ordinance for the proposed improvement and the report of such commission, and shall pray that the cost of such improvement may be assessed in the manner prescribed by law.

139. APPOINTMENT OF COMMISSIONERS—OATH.

§ 23. Upon the filing of such petition the court shall appoint three competent persons as commissioners, who shall take and subscribe an oath, in substance as follows, to wit:

STATE OF ILLINOIS, }
..... County, } ss.

We, the undersigned commissioners, appointed by the county court of.....county, to assess the cost of.....(here state in general terms the improvement), do solemnly swear (or affirm, as the case may be), that we will a true and impartial assessment make of the cost of said improvement upon the city (or village) of....., and the property benefitted by such improvement, to the best of our ability, and according to law.

140. DUTY OF COMMISSIONERS.

§ 24. It shall be the duty of such commissioners to examine the locality where the improvement is proposed to be made, and the lots, blocks, tracts and parcels of land that will be specially benefitted thereby, and to estimate what proportion of the total cost of such improvement will be of benefit to the public and what proportion thereof will be of benefit to the property to be benefitted, and apportion the same between the city or village and such property, so that each shall bear its relative equitable proportion; and having found said amounts, to apportion and assess the amount so found to be of benefit to the property upon the several lots, blocks, tracts and parcels of land in the proportion in which they will be severally benefitted by such improvement: *Provided*, that no lot, block, tract or parcel of land shall be assessed a greater amount than it will be actually benefitted: *And, provided, further*, that it shall not be necessary for said commissioners to examine the locality except where the ordinance provides for the opening, widening or improvement of streets and alleys. [As amended by act approved and in force March 30, 1874.

[§ 25, repealed by act approved April 25, 1873.

141. ASSESSMENT ROLL—RETURN.

§ 26. They shall also make or cause to be made an assessment roll, in which shall appear the names of the owners, so far as known, a description of each lot, block, tract or parcel of land, and the amount assessed as special benefits thereto, and in which they shall set down as against the city or village the amount they shall have found as public benefit, and certify such assessment roll to the court by which they were appointed, at least ten days before the

first day of the term at which a final hearing thereon shall be had. [As amended by act approved and in force March 30, 1874.]

142. NOTICE BY MAIL, POSTING AND PUBLICATION.

§ 27. It shall also be the duty of such commissioners to give notice of such assessment, and at the term of court at which a final hearing thereon will be had, in the following manner:

First—They shall send by mail to each owner of premises assessed, whose name and place of residence is known to them, a notice, substantially in the following form:

Mr. Your (here give a short description of the premises) is assessed \$...for public improvement. The assessment roll will be returned to the ... term of the county court of ... county.

(Here give date).

Commissioners.

Second—They shall cause at least ten days notice to be given, by posting notices in at least four public places in such city or village, two of which shall be in the neighborhood of such proposed improvement; and when a daily newspaper is published in such city or village, by publishing the same at least five consecutive days in such daily newspaper, or if no daily newspaper is published in such city or village and a weekly newspaper is published therein, then, at least once in each week, for two consecutive weeks, in such weekly newspaper, or if no daily or weekly newspaper is published in such city or village, then in a newspaper published in the county in which such city or village is situated. The notice may be substantially as follows:

SPECIAL ASSESSMENT NOTICE.

Notice is hereby given to all persons interested, that the city council (or board of trustees, as the case may be), of.....having ordered that (here insert the description and nature of improvements substantially as in ordinance) have applied to the county court of.....county for an assessment of the cost of said improvements, according to benefits; and an assessment thereof having been made and returned to said court, the final hearing thereon will be had at the.....term of said court, commencing on the.....day of....., A. D., 18.... All persons desiring may then and there appear and make their defense.

Here give date.

Commissioners.

[As amended by act approved April 25, 1873. In force July 1, 1873.]

143. PROOF OF NOTICE.

§ 28. On or before the final hearing, the affidavit of one or more of the commissioners shall be filed in said court, stating that they have sent or caused to be sent by mail, to the owners whose premises have been assessed, and whose name and place of business are known to them, the notice hereinbefore required to be sent by mail, to owners of premises assessed. They shall also cause to be filed the affidavit of the person who shall have posted the notices required by this act to be posted, setting forth when and in what manner the same were posted. Such affidavits shall be received as *prima facie* evidence of a compliance with this act in regard to giving such notices. They shall also file a certificate of publication of said notice in like manner as is required in other cases of publication of notices. [As amended by act approved April 25, 1873; in force July 1, 1873.]

144. CONTINUANCE WHEN NOTICE NOT IN TIME.

§ 29. If ten days shall not have elapsed between the first publication or the putting up of such notices and the first day of the next term of such court, the hearing shall be continued until the next term of court.

145. OBJECTIONS—JUDGMENT BY DEFAULT.

§ 30. Any person interested in any real estate to be effected by such assessment, may appear and file objections to such report, and the court may make such order in regard to the time of filing such objections as may be made in cases at law in regard to the time of filing pleas. As to all lots, blocks, tracts and parcels of land to the assessment of which objections are not filed within the time ordered by the court, default may be entered, and the assessment confirmed by the court.

146. HEARING—JURY.

§ 31. On the hearing, the report of the commissioners shall be competent evidence, and either party may introduce such other evidence as may tend to establish the right of the matter. The hearing shall be conducted, as in other cases at law, and if it shall appear that the premises of the objector are assessed more or less than they will be benefited, or more or less than their proportionate share of the cost of the improvement, the jury shall so find, and also find the amount for which such premises ought to be assessed, and judgment shall be rendered accordingly.

147. PRECEDENCE.

§ 32. The hearing in all cases arising under this act shall have precedence over all other cases in such court, except criminal cases.

148. COURT MAY MODIFY, ETC., THE ASSESSMENT.

§ 33. The court before which any such proceeding may be pending, shall have authority, at any time before final adjournment [judgment], to modify, alter, change, annul or confirm any assessment returned, as aforesaid, or cause any such assessment to be recast by the same commissioners whenever it shall be necessary for the attainment of justice, or may appoint other commissioners in the place of all or any of the commissioners first appointed, for the purpose of making such assessment, or modifying or altering, changing or recasting the same, and may take all such proceedings and make all such orders as may be necessary to make a true and just assessment of the cost of such improvement according to the principles of this act, and may from time to time, as may be necessary, continue the application for that purpose as to the whole or any part of the premises.

149. JUDGMENT SEVERAL—APPEAL, ETC.—LIEN.

§ 34. The judgment of the court shall have the effect of a several judgment as to each tract or parcel of land assessed, and any appeal from such judgment or writ of error shall not invalidate or delay the judgment except as to the property concerning which the appeal or writ of error is taken. Such judgment shall be a lien upon the property assessed, from the date thereof until payment shall be made.

150. JUDGMENT CERTIFIED TO CITY CLERK—FILING—WARRANT.

§ 35. The clerk of the court in which said judgment is rendered shall certify the assessment roll and judgment to the clerk of such city or village, or if there has been an appeal or writ of error taken on any part of such judgment, then he shall certify such part of the judgment as is not in-

cluded in such appeal or writ of error. The clerk of the city or village shall file such certificate in his office and issue a warrant for the collection of such assessment.

151. FORM OF WARRANT.

§ 36. The warrant in all cases of assessments under this act shall contain a copy of such certificate of the judgment, describing the lots, blocks, tracts or parcels of land assessed, and the respective amounts assessed on each lot, block, tract or parcel of land, and shall be delivered to the officer authorized to collect such special assessments. Such warrant shall give sufficient authority to collect the assessments therein specified.

152. COLLECTOR'S NOTICE—FORM OF.

§ 37. The collector receiving such warrant shall immediately give notice thereof by publishing such notice in one or more newspapers in such city or village, if such newspaper is there; and if there is no such newspaper, then by posting four copies thereof in public places along the line of the proposed improvement. Such notice may be substantially in the following form:

SPECIAL ASSESSMENT NOTICE. SPECIAL WARRANT, NO. —

Public notice is hereby given that the (here insert the title of court) has rendered judgment for a special assessment upon property benefitted by the following improvement (here insert the character and location of the improvement in general terms) as will more fully appear from the certified copy of the judgment on file in the office of the clerk of the city (or village) of....; that a warrant for the collection of such assessments is in the hands of the undersigned. All persons interested are hereby notified to call and pay the amount so assessed, at the collector's office. (Here insert location of office) within thirty days from the date hereof.

Dated this day of....., A. D., 18..

.....Collector.

153. MANNER OF COLLECTING—ENTRY OF PAYMENT.

§ 38. It shall be the duty of the collector into whose hands the warrant shall so come, as far as practicable, to call upon all persons resident within the corporation whose names appear on the assessment roll, or the occupants of the property assessed, and personally, or by written or printed notice left at his or her usual place of abode, inform them of such assessment, and request payment of the same. Any such collector omitting so to do shall be liable to a penalty of \$10 for every such omission, but the validity of the special assessment, or the right to apply for and obtain judgment for any such special [assessment] shall not be affected by such omission. It shall be the duty of such collector to write the word "paid" opposite each tract or lot on which the assessment is paid, together with the name and post office address of the person making the payment, and date of payment.

154. REPORT OF DELINQUENT LIST TO COUNTY COLLECTOR—EVIDENCE—DEFENSE.

§ 39. It shall be the duty of the collector of special assessments, within such time as the city council or board of trustees may by ordinance provide, to make a report in writing—to the general officer of the county authorized, or to be designated by the general revenue law of this state, to apply for judgment and sell lands for taxes due the county and state—of all the lands, town lots and real property on which he shall have been unable to collect special assessments, with the amount of special assessments due and unpaid thereon, together with his warrant, or with a brief description of the nature of the warrant or warrants received by him authorizing the collection thereof; which report shall be accompanied by the oath of the collector

that the list is a correct return and report of the lands, town lots and real property on which the special assessments levied by authority of the city of.....(or village of....., as the case may be), remain due and unpaid; that he is unable to collect the same or any part thereof and that he has given the notice required by law that said warrants had been received by him for collection. Said report, when so made shall be *prima facie* evidence that all the forms and requirements of the law in relation to making said return have been complied with, and that the special assessments mentioned in said report are due and unpaid. And, upon the application for judgment upon such assessment, no defence or objection shall be made or heard which might have been interposed in the proceeding for the making of such assessment, or the application for the confirmation thereof.

155. APPLICATION FOR JUDGMENT—WHAT LAW GOVERNS.

§ 40. When said general officer shall receive the report provided for in the preceding section, he shall at once proceed to obtain judgment against said lots, parcels of land, and property for said special assessments remaining due and unpaid at the same time and in the same manner as is or may be by law provided for obtaining judgment against lands for taxes due and unpaid the county and state; and shall in the same manner proceed to sell the same for the said special assessments remaining due and unpaid. In obtaining said judgment and making said sale, the said officer shall be governed by the general revenue laws of this state, except when otherwise provided herein. No application for judgment against lands for unpaid special assessments shall be made at a time different from the annual application for judgment against lands, upon which gen-

eral taxes remain due and unpaid. The application for judgment upon delinquent special assessments in each year shall include only such special assessments as shall have been returned as delinquent to the county collector, on or before the first day of April, in the year in which such application is made. [As amended by act approved June 18, 1883. In force July 1, 1883. L. 1883, p. 58.

156. RETURN OF SALES—REDEMPTION.

§ 41. After making said sales, the list of lots, parcels of lands and property sold thereat shall be returned to the office of the county clerk, and redemption may be made as provided for by the general revenue law of this state.

157. PENALTY WHEN LANDS ARE SOLD FOR TAX, ETC.

§ 42. If the collector shall receive any moneys for taxes or assessments, giving a receipt therefor for any land or parcel of land, and afterwards return the same as unpaid to the state officers authorized to sell lands for taxes, or shall receive the same after making such return, and the same be sold for tax or assessment which has been so paid and receipted for by himself or his clerks, he and his bond shall be liable to the holder of the certificate given to the purchaser at the sale, for double the amount of the face of the certificate, to be demanded in two years from the date of the sale, and recovered in any court having jurisdiction of the amount; and the city or village shall, in no case, be liable to the holder of such certificate.

158. PAYING OVER—COMPENSATION.

§ 43. The collector or collectors and the general officer aforesaid, to whom the said warrant shall be returned, shall pay over to the city or village treasurer to which it shall belong, all moneys collected by them, respectively, upon or

by virtue of such warrant, or upon any sale for taxes or otherwise, at such time or times and in such manner as shall be prescribed by ordinance, and shall be allowed such compensation for their services in the collection of such assessment as the ordinance of the city or village may provide, except when such compensation is fixed by general law.

159. GENERAL REVENUE LAWS APPLY.

§ 44. The general revenue laws of this state, in reference to proceedings to recover judgments for delinquent taxes, the sale of property thereon, the execution of certificates of sale and deeds thereon, the force and effect of such sales and deeds, and all other laws in relation to the enforcement and collection of taxes and redemption from tax sales, except as herein otherwise provided, shall be applicable to proceedings to collect such special assessment.

160. CITY OR VILLAGE MAY BUY IN.

§ 45. Any city or village interested in the collection of any tax or special assessment, may become a purchaser at any sale of real or personal property to enforce the collection of the same, and may, by ordinance, authorize and make it the duty of one or more city or village officers to attend such sales, and bid thereat in behalf of the corporation.

161. WHEN ASSESSMENT SET ASIDE—NEW ASSESSMENT.

§ 46. If any assessment shall be annulled by the city council or board of trustees, or set aside by any court, a new assessment may be made and returned, and like notice given and proceedings had, as herein required in relation to the first; and all parties in interest shall have the like

rights, and the city council or board of trustees and court shall perform like duties and have like power in relation to any subsequent assessment, as are hereby given in relation to the first assessment.

162. SUPPLEMENTAL ASSESSMENTS.

§ 47. If, in any case, the first assessment prove insufficient, a second may be made in the same manner, as nearly as may be, and so on, until sufficient moneys shall have been realized to pay for such public improvement. If too large a sum shall, at any time, be raised, the excess shall be refunded ratably to those by whom it was paid.

163. NEW ASSESSMENTS AGAINST DELINQUENTS—LIEN—LIMITATION.

§ 48. If, from any cause, any city or village fail to collect the whole or any portion of any special assessment which may be levied, which shall not be cancelled and set aside by the order of any court for any public improvement authorized to be made and paid for by special assessment, the city council or board of trustees may, at any time within five years after the confirmation of the original assessment, direct a new assessment to be made upon the delinquent property for the amount of such deficiency, and interest thereon from the date of such original assessment—which assessment shall be made, as near as may be, in the same manner as is herein prescribed for the first assessment. In all cases where partial payment shall have been made on such former assessment, they shall be credited or allowed on the new assessment to the property for which they were made, so that the assessment shall be equal and impartial in its results. If such new assessment prove ineffectual, either in whole or in part, the city council or board of trustees may, at any time within said period

of five years, order a third, and so on, to be levied in the same manner and for the same purpose, and it shall constitute no legal objection to such assessment that the property may have changed hands, or been incumbered, subsequent to the date of the original assessment, it being the true intent and meaning of this section to make the cost and expense of all public improvements, to be paid for by a special assessment, a charge upon the property assessed therefor, for the full period of five years, from the confirmation of the original assessment, and for such longer period as may be required to collect, in due course of law, any new assessment ordered within that period.

164. CONTRACTS PAYABLE FROM ASSESSMENTS.

§ 49. All persons taking any contracts with the city or village, and who agree to be paid from special assessments, shall have no claim or lien upon the city or village in any event, except from the collections of the special assessments made for the work contracted for.

165. HOW CONTRACTS LET—APPROVAL.

§ 50. All contracts for the making of any public improvement, to be paid for in whole or in part by a special assessment, and any work or other public improvement, when the expense thereof shall exceed \$500, shall be let to the lowest responsible bidder, in the manner to be prescribed by ordinance—such contracts to be approved by the mayor or president of the board of trustees: *Provided, however,* any such contract may be entered into by the proper officer without advertising for bids, and without such approval, by a vote of two-thirds of all the aldermen or trustees elected.

166. LIEN.

§ 51. All special assessments levied by any city or village under this act, shall, from the date of assessment, be a lien upon the real estate upon which the same may be imposed, and such lien shall continue until such special assessments are paid. And the same proceedings may be resorted to by the collector, upon any warrant or order issued or made for the collection of special assessments, as in the case of the collection of state and county taxes under the general laws of the state.

167. COLLECTION BY SUIT.

§ 52. At any time after the same becomes due, it shall and may be lawful for any collector therefor to commence suit in any court of record, in the corporate name of such city or village, against any person or persons, for the total amount of special assessments which such person or persons are liable for the payment of. Such suit shall be commenced by petition, and shall state the several amounts of the special assessments sought to be recovered, and give a general description of the warrant or warrants issued for the collection thereof. Upon the filing of the petition a summons shall be issued, served and returned as in other suits in such court. Upon the return of such summons duly served, the court shall forthwith proceed to the hearing of said petition without formal pleadings, and may render judgment for all or any part of the special assessments, as the right and justice of the case may require. The original, or a certified copy (by the clerk under the corporate seal,) of such warrant or warrants and list or lists, or so much thereof as refers to the special assessments sought to be recovered, shall be *prima facie* evidence of the right of said collector to a judgment in favor of such corporation.

Execution shall issue on such judgment as in other cases, but such execution may be first levied upon and collected from any personal property of the defendant; or the court, in which such proceedings were had, may, upon complaint of the city or village, issue a *scire facias* against the person or persons liable for such payment, to show cause why execution should not issue against him or them for the amount of such assessment; and if, upon the return of such *scire facias*, good cause is not shown why execution should not issue, the court may award execution against such person or persons in the usual form of execution upon judgments at law.

168. SUPPLEMENTAL PETITION TO ASSESS BENEFITS IN CONDEMNATION CASE.

§ 53. Whenever any city or village shall apply to any court for the purpose of making just compensation for property taken or damaged by such proceedings as are authorized by this act, such city or village may file in the same proceeding a supplemental petition, praying the court to cause that an assessment be made for the purpose of raising the amount necessary to pay the compensation and damages which may be or shall have been awarded for the property taken or damaged, with costs of the proceeding. The said court shall have power, at any time after such supplemental petition shall have been filed, to appoint three commissioners to make such assessment, and to ascertain, as near as may be, the costs incurred to the time of such appointment, and the probable further costs of the proceedings, including therein the estimated costs of making and collecting such assessment, and shall direct such costs to be included by such commissioners in making said assessment. Like proceedings in making said assessment

shall be had, and the assessment shall be made, collected and enforced in the same manner, as near as may be, as is provided in this article in other cases. [As amended in act approved, and in force, March 30, 1874.]

169. ADOPTION OF THIS ARTICLE.

§ 54. Any city or incorporated town or village may, if it shall so determine by ordinance, adopt the provisions of this article without adopting the whole of this act; and where it shall have so adopted this article, it shall have the right to take all proceedings in this article provided for, and have the benefit of all the provisions hereof.

ARTICLE X.

(MISCELLANEOUS PROVISIONS.)—WATER.

170. WATER—BORROW MONEY.

§ 1. The city council or board of trustees shall have the power to provide for a supply of water by the boring and sinking of artesian wells, or by the construction and regulation of wells, pumps, cisterns, reservoirs or water works, and to borrow money therefor, and to authorize any person or private corporation to construct and maintain the same at such rates as may be fixed by ordinance, and for a period not exceeding thirty years; also to prevent the unnecessary waste of water; to prevent the pollution of the water, and injuries to such wells, pumps, cisterns, reservoirs or water works.

171. ACQUIRING PROPERTY FOR WATER WORKS—JURISDICTION OVER.

§ 2. For the purpose of establishing or supplying water works, any city or village may go beyond its territorial limits and may take hold and acquire property by purchase

or otherwise; shall have power to take and condemn all necessary lands or property therefor, in the manner provided for the taking or injuring private property for public uses; and the jurisdiction of the city or village to prevent or punish any pollution or injury to the stream or source of water, or to such water works, shall extend five miles beyond its corporate limits, or so far as such water works may extend.

172. REGULATIONS—RATES, TAXATION, ETC.

§ 3. The city council or board of trustees shall have power to make all needful rules and regulations concerning the use of water supplied by the water works of said city or village, and to do all acts and make such rules and regulations for the construction, completion, management or control of the water works, and for the levying and collecting of any water taxes, rates or assessments, as the city council or board of trustees may deem necessary and expedient; and such water taxes, rents, rates or assessments may be levied or assessed upon any lot or parcel of ground having a building or buildings thereon, which shall abut or join any street, avenue or alley in such city or village through which the distributing pipes of such water works (if any) of said city or village are or may be laid, which can be conveniently supplied with water from said pipes: *Provided*, [whether] the water shall be used on such lot or parcel of ground or not; and the same, when so levied or assessed, shall become a continuing lien or charge upon such lot or parcel of ground, building or buildings, situated thereon, and such lien or charge may be collected or enforced in such manner as the city council may, by ordinance prescribe. And the corporate authorities may levy a general tax for the construction and maintenance of

such water works, and appropriate money therefor.

173. TAX-PAYERS MAY ENFORCE RIGHTS IN NAME OF CITY.

§ 4. A suit may be brought by any tax-payer, in the name and for the benefit of the city or village, against any person or corporation to recover any money or property belonging to the city or village or for any money which may have been paid, expended, or released without authority of law: *Provided*, that such tax-payer shall file a bond for all costs, and be liable for all costs in case the city or village be cast in the suit, and judgment shall be rendered accordingly.

174. MAPS—APPROVAL OF.

§ 5. The city council or board of trustees shall have power to provide, by ordinance, that any map, plat, or subdivision of any block, lot, sub-lot, or part thereof, or of any piece or parcel of land, shall be submitted to the city council or board of trustees, or to some officer to be designated by such council or board of trustees, for their or his approval; and in such cases no such map, plat or subdivision shall be entitled to record in the proper county or have any validity until it shall have been so approved.

175. INHABITANTS COMPETENT AS JURORS, ETC.

§ 6. No person shall be an incompetent judge, justice or juror, by reason of his being an inhabitant or freeholder in said city or village, in any action or proceeding in which said city or village may be a party in interest.

176. POPULATION—CENSUS.

§ 7. Whenever in this act any provision thereof is based upon the number of inhabitants [the number of inhabitants] of the city or village shall be determined by refer-

ence to the latest census taken by authority of the United States or this state, or of such city or village; and it shall be the duty of the secretary of state, upon the publication of any state or United States census, to certify to each city or village the number of inhabitants, as shown by such census. Any city or village may, by ordinance, provide for the taking of a census of the population thereof, in order to determine the number of such population for any and all purposes of this act. And the several courts in this state shall take judicial notice of the population of any city or village, as the same may appear from the latest federal, state, city or village census so taken.

177. MUNICIPAL YEAR.

§ 8. The term "municipal year" shall be construed to mean the period elapsing between the regular annual elections unless otherwise provided by ordinance.

178. CITY OR VILLAGE NEED NOT GIVE AN APPEAL BOND.

§ 9. When in any suit the city or village prays an appeal from the judgment of any court of this state to a higher court, it shall not be required to furnish an appeal bond.

STATUTES

RELATING TO CITIES AND VILLAGES.

ACTIONS TO RECOVER FINES AND PENALTIES.

AN ACT entitled "an act in regard to suits by incorporated cities and villages, and to enforce penalties and recover fines for violating the ordinances thereof."
[Approved May 31, 1879. In force July 1, 1879.]

179. SUITS—HOW BROUGHT, ETC.

§ 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That all actions to recover any fine, or to enforce any penalty, under any ordinance of any city or village in this state, shall be brought in the corporate name of the city or village, as plaintiff, and no prosecution, recovery or acquittal, for the violation of any such ordinance shall constitute a defense to any other prosecution of the same party, for any other violation of any such ordinance, although the different causes of action existed at the same time, and, if united would not have exceeded the jurisdiction of the court or magistrate.

ELECTIONS.

AN ACT to provide for the time of opening and closing the polls during elections of cities, towns and villages in this state. [Approved May 29, 1879. In force July 1, 1879.]

180. TIME OF OPENING AND CLOSING POLLS.

Be it enacted by the People of the State of Illinois, represented in the General Assembly, That in all city, town or

village elections, in this state, the polls shall remain open from eight (8) o'clock A. M. until seven (7) o'clock P. M., any law in any special charter to the contrary notwithstanding. (L. 1879, p. 70.)

FERRIES AND BRIDGES.

AN ACT to enable cities and villages, incorporated under any general or special law of this state, to acquire by purchase, lease or gift, establish, maintain, license and regulate ferries, bridges, the approaches thereto and tolls thereon. [Approved May 22, 1877. In force July 1, 1877. Laws 1877, p. 61; Legal News Ed., p. 63.]

181. LICENSE AND REGULATE.

§ 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly*, That it shall be lawful for the corporate authorities of any city or village, now or hereafter incorporated under any special or general law of this state, to acquire by purchase, lease or gift, and maintain, license and regulate ferries and bridges, so acquired, and the approaches thereto, not exceeding four acres of land for each ferry or bridge, within the corporate limits thereof, and from time to time fix tolls thereon.

[NOTE—This act supersedes the one on same subject, approved March 27, 1874. See R. S. 1874, p. 244.]

HOUSES OF ILL-FAME.

AN ACT to prevent the licensing of houses of ill-fame, and the official inspection or medical examination of the inmates thereof, in the incorporated cities, towns and villages of this state. [Approved and in force March 27, 1874.]

182. LICENSING AND MEDICAL INSPECTION FORBIDDEN.

§ 1. *Be it enacted by the people of the State of Illinois represented in the General Assembly*, That it shall be unlawful for the corporate authorities of any city, town or village in this state to grant a license to any person, male or female, to keep what is known as a house of ill-fame or house of prostitution. And it shall be unlawful for any

board of health (or any member or employe of the same) now existing, or which may hereafter exist under the laws of this state, to interfere in the management of any house of ill-fame or house of prostitution, or to provide in any manner for the medical inspection or examination of any inmate of the same.

183. EMERGENCY.

§ 2. Whereas, the legislative authorities of certain cities in this state are about to license houses of ill-fame, therefore an emergency exists why this act should take effect immediately: therefore, this act shall take effect and be in force from and after its passage.

LABOR ON STREETS.

AN ACT providing for labor on the streets and alleys of all cities and villages in this state. [Approved May 31, 1879. In force July 1, 1879. L. 1879, p. 79.]

184. LABOR ON STREETS, ETC.

§ 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*: That the city council in all cities, and the president and board of trustees in all villages in this state, may have power, by ordinance, to require every able-bodied male inhabitant of any such city or village, above the age of twenty-one years and under the age of fifty years, (excepting paupers, idiots, lunatics, and such others as are exempt by law,) to labor on the streets and alleys of any such city or village, not more than two (2) days, in each year; but such ordinance shall provide for commutation of such labor at seventy-five cents per day.

185. FINES AND PENALTIES.

§ 2. Any such city council or president and board of trustees of any such village shall have power, by ordinance, to provide such fines and penalties as may be necessary to enforce the provisions of this act.

LEASING LANDINGS AND LEVEES.

AN ACT to authorize incorporated cities, towns or villages in this state, situated upon the banks of navigable rivers, to lease parts of their public landings or levees. [Approved March 31, 1874. In force July 1, 1874.]

186. WHEN LANDINGS AND LEVEES MAY BE LEASED.

§ 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That whenever, in the opinion of the legislative authority of any incorporated city, or of the president and board of trustees of any incorporated city, town or village of this state, situate upon the banks of any navigable river, the lands acquired and owned by any such city, town or village, for the purpose of a public landing or public levee, are not immediately required for such purpose, then any such city, town or village may lease such parts of such landing or levee as may be thought best by the legislative authority of such city, or president and board of trustees of such town or village, for the purpose of erecting manufactories, warehouses or grain elevators thereon: *Provided*, no such lease shall extend beyond the period of twenty-five years from its execution.

187. WHAT LANDS—WHEN LEASE MAY TAKE EFFECT—DEFINITION—RESTRICTION.

§ 2. That the right of any such city, town or village to lease any part of the land in the foregoing section, shall embrace all such lands as may have been conveyed to the same: *Provided, however*, no such lease shall take effect or

be in force until approved by an order, resolution or ordinance of the legislative authority of such city, or president and board of trustees of such town or village. The words "legislative authority," when used in this act, shall be held to include the common council. The provisions of this act shall not apply to cities having over one hundred thousand inhabitants.

LIBRARIES.

AN ACT to authorize cities, incorporated towns and townships to establish and maintain free public libraries and reading-rooms. [Approved and in force March 7, 1872. L. 1871-2, p. 60.]

188. ESTABLISHMENT BY CITY—TAX—FUND.

§ 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That the city council of each incorporated city shall have the power to establish and maintain a public library and reading room for the use and benefit of the inhabitants of such city, and may levy a tax of not to exceed one mill on the dollar annually, and in cities of over one hundred thousand inhabitants not to exceed one-half of a mill on a dollar annually, on all the taxable property in the city; such tax to be levied and collected in like manner with the general taxes of said city, and to be known as the "library fund;" and the said annual library taxes in cities of over one hundred thousand inhabitants, shall not be included in the aggregate amount of taxes as limited by section one of article eight of "An act for the incorporation of cities and villages," approved April 10, 1872.

189. EMERGENCY.

§ 2. (Omitted.) [As amended by act approved and in force March 20, 1883. L. 1883, p. 112.]

190. DIRECTORS.

§ 2. When any city council shall have decided to establish and maintain a public library and reading-room, under this act, the mayor of such city shall, with the approval of the city council, proceed to appoint a board of nine directors for the same, chosen from the citizens at large with reference to their fitness for such office; and not more than one member of the city council shall be at any one time a member of said board.

191. TERM OF OFFICE—REMOVAL.

§ 3. Said directors shall hold office, one-third for one year, one-third for two years and one-third for three years from the first of July following their appointment, and at their first regular meeting shall cast lots for the respective terms; and annually thereafter the mayor shall, before the first of July of each year, appoint as before three directors, to take the place of retiring directors, who shall hold office for three years and until their successors are appointed. The mayor may, by and with the consent of the city council, remove any director for misconduct or neglect of duty.

192. VACANCIES—COMPENSATION.

§ 4. Vacancies in the board of directors, occasioned by removals, resignation, or otherwise, shall be reported to the city council and be filled in like manner as original appointments, and no director shall receive compensation as such.

193. ORGANIZATION—POWERS OF DIRECTORS—FUNDS.

§ 5. Said directors shall immediately after appointment meet and organize by the election of one of their number president, and by the election of such other officers as they may deem necessary. They shall make and

adopt such by-laws, rules and regulations for their own guidance and for the government of the library and reading-room as may be expedient, not inconsistent with this act. They shall have the exclusive control of the expenditure of all moneys collected to the credit of the library fund, and of the construction of any library building, and of the supervision, care and custody of the grounds, rooms or buildings constructed, leased or set apart for that purpose: *Provided*, that all moneys received for such library shall be deposited in the treasury of said city to the credit of the library fund, and shall be kept separate and apart from other moneys of such city, and drawn upon by the proper officers of said city, upon the properly authenticated vouchers of the library board. Said board shall have power to purchase or lease grounds to occupy, lease or erect an appropriate building or buildings for the use of said library; shall have power to appoint a suitable librarian and necessary assistants, and fix their compensation, and shall also have power to remove such appointees; and shall, in general, carry out the spirit and intent of this act, in establishing and maintaining a public library and reading room.

194. WHO MAY USE LIBRARY.

§ 6. Every library and reading-room, established under this act, shall be forever free to the use of the inhabitants of the city where located, always subject to such reasonable rules and regulations as the library board may adopt, in order to render the use of said library and reading-room of the greatest benefit to the greatest number; and said board may exclude from the use of said library and reading room any and all persons who shall willfully violate such rules. And said board may extend the privileges and use

of such library and reading-rooms to persons residing outside of such city in this state, upon such terms and conditions as said board may from time to time by its regulations prescribe. [As amended by act approved March 27, 1874. In force July 1, 1874.]

195. REPORT OF DIRECTORS.

§ 7. The said board of directors shall make, on or before the second Monday in June, an annual report to the city council, stating the condition of their trust on the first day of June of that year, the various sums of money received from the library fund and from other sources, and how such moneys have been expended and for what purposes; the number of books and periodicals on hand; the number added by purchase, gift or otherwise, during the year; the number lost or missing; the number of visitors attending; the number of books loaned out, and the general character and kind of such books; with such other statistics, information and suggestions as they may deem of general interest. All such portions of said report as relate to the receipt and expenditure of money, as well (as) the number of books on hand, books lost or missing, and books purchased, shall be verified by affidavit.

196. PENALTIES.

§ 8. The city council of said city shall have power to pass ordinances imposing suitable penalties for the punishment of persons committing injury upon such library or the grounds or other property thereof, and for injury to or failure to return any book belonging to such library.

197. DONATIONS.

§ 9. Any person desiring to make donations of money,

personal property or real estate for the benefit of such library, shall have the right to vest the title to the money or real estate so donated in the board of directors created under this act, to be held and controlled by such board, when accepted, according to the terms of the deed, gift, devise or bequest of such property; and as to such property the said board shall be held and considered to be special trustees.

§§ 10 and 11 refer to libraries in incorporated towns.

§ 12. Emergency. (Omitted.)

OFFICERS OF CITIES.

AN ACT to prevent fraudulent and corrupt practices in the making or accepting of official appointments and contracts by public officers. [Approved April 9 1872. In force July 1, 1872. L. 1871-2, p. 612.]

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

* * * * *

198. ALDERMEN OF CITIES—TRUSTEES OF VILLAGES.

§ 2. That it shall be and is hereby declared unlawful for any alderman of any city, or member of the board of trustees of any village of this state, during the term of office for which he is elected, to accept or be appointed to or hold any office by the appointment of the mayor or president of the board of trustees thereof; and any and all such election or appointment shall be absolutely null and void.

199. NOT TO BE INTERESTED IN CONTRACTS—NOT TO ACT AS ATTORNEY TO PROCURE—BRIBERY.

§ 3. It shall not be lawful for any person, now or hereafter holding any office, either by election or appointment, under the constitution of this state, to become in any man-

ner interested, either directly or indirectly, in his own name or in the name of any other person or corporation, in any contract, or the performance of any work in the making or letting of which such officer may be called upon to act or vote. And it shall not be lawful for any such officer to represent, either as agent or otherwise, any person, company or corporation, in respect of any application or bid for any contract or work in regard to which such officer may be called upon to vote. Nor shall any such officer take or receive, or offer to take or receive, either directly or indirectly, any money or other thing of value, as a gift or bribe, or a means of influencing his vote or action in his official character; and any and all contracts made and procured in violation hereof, shall be null and void.

200. PENALTY.

§ 4. Any alderman, member of a board of trustees, supervisor or county commissioner, or person now or hereafter holding any office, either by election or appointment under the constitution of this state, or any law now or hereafter in force in this state, who shall violate any of the provisions of the preceding sections, shall be deemed guilty of a misdemeanor, and on conviction thereof, may be punished by confinement in the penitentiary for a term not less than one year nor more than five years or fined in a sum not less than \$200 nor more than \$1,000, or both, in the discretion of the court before which such conviction shall be had; and in addition thereto, any office or official position held by any person or persons so convicted shall, by the fact of such conviction, become vacant, and shall be so declared as a part of the judgment of court; and the person or persons so convicted shall be disqualified from holding any office or position of trust and confidence in this state

for the period of two years from and after the date of such conviction.

OIL INSPECTION.

AN ACT to revise the law in relation to oil inspection. [Approved March 12, 1874.
In force July 1, 1874.]

201. APPOINTMENT OF INSPECTORS—TERM OF OFFICE—DEPUTIES.

§ 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the mayor of any city, with the approval of the city council, and the board of trustees of any village or town may, and on the petition of any five inhabitants thereof, shall appoint one or more inspectors for the inspection of coal oil, naphtha, gasoline, benzine and other mineral oils or fluids, the product of petroleum, and fix their compensation, to be paid by the party requiring their services. Every such inspector shall hold his office for one year and until his successor is appointed and qualified, unless sooner removed from office. He may appoint deputies for whom he shall be responsible, and who shall take the same oath, and be liable to the same penalties as the inspector.

202. OATH—BOND—SUIT ON.

§ 2. Every such inspector, before entering upon the duties of his office, shall take and subscribe the following oath:

I do solemnly swear (or affirm, as the case may be), that I will support the constitution of the United States and the constitution of the State of Illinois, and that I will faithfully discharge the duties of the office of oil inspector according to the best of my ability.

He shall also execute a bond payable to the people of the state, in such sum as shall be required by the city council or board of trustees, with one or more sureties, to be ap-

proved by the mayor or president of the board of trustees, conditioned for the faithful discharge of the duties of his office. Any person aggrieved by the misconduct or neglect of such inspector may maintain suit thereon for his own use.

203. INSPECTOR TO TEST.

§ 3. Upon the application of any manufacturer, refiner or producer of, or any dealer in, any such oil or fluid, or of any officer or person to test any such oil or fluid, such inspector shall test the same with all reasonable dispatch by applying the fire test, as indicated and determined by J. Tagliabue's pyrometer, or some other instrument or means equally accurate, with which he shall have provided himself at his own expense.

204. TEST—CASKS MARKED—INSPECTOR NOT TO TRADE IN OIL.

§ 4. If the oils or fluids so tested will not ignite or explode at a temperature less than one hundred and fifty degrees Fahrenheit, the inspector shall mark, plainly and indelibly on each cask, barrel or package "approved, fire test being.....;" but if said oils or fluids will ignite at a temperature less than one hundred and fifty-degrees Fahrenheit, as aforesaid, then the inspector shall mark on each cask, barrel or package "condemned for illuminating purposes; fire test being.....". Said inspector, while in office shall not buy, sell, bargain or trade, directly or indirectly, in any of the said oils or fluids.

205. RECORD KEPT AND OPEN TO EXAMINATION.

§ 5. He shall also, within twenty-four hours after making an inspection, make a free and fair entry thereof in a record book to be kept for that purpose, which shall be open to all persons wishing to examine the same.

206. PENALTY FOR MISCONDUCT IN OFFICE.

§ 6. Any such inspector or deputy who shall falsely brand any package, cask or barrel, or be guilty of any fraud, deceit, misconduct or culpable negligence in the performance of any of his official duties, shall be fined not exceeding \$200, and be liable to the party injured for all damages occasioned thereby.

207. PENALTY FOR NEGLECT TO GIVE NOTICE OF, OR SELLING OIL NOT INSPECTED—COUNTERFEIT BRANDS, ETC.

§ 7. Any manufacturer, refiner or producer of, or any dealer in coal oil, naphtha, gasoline, benzine, or other mineral oil or fluid, the product of petroleum, in any city, village or town in which such inspector is appointed, who shall neglect to give notice to such inspector, of any such oil or fluid in his possession not already inspected by some authorized inspector of this state, within two days after the same is made or refined by him or received into his possession, or shall offer any such oil or fluid for sale before the same has been so inspected, or shall sell or attempt to sell to any person, for illuminating purposes, any such oil which is below the approved standard—that is, having igniting point less than one hundred and fifty degrees Fahrenheit, as indicated and determined in the manner herein provided, or shall use any package, cask, barrel or other thing having the inspection brand thereon, the oil or fluid therein not having been inspected, or shall counterfeit any brand, shall be fined not exceeding \$200 and be liable to the party injured for all damages occasioned thereby, and all the casks, barrels or packages so falsely used, and their contents, shall be forfeited and may be seized and sold.

208. FINES, HOW RECOVERED AND DISPOSED OF.

§ 8. The fines herein provided may be recovered in the

name of the People of the State of Illinois, before any justice of the peace of the county where the offense is committed, one-half shall be paid to the informer, and the other half and the proceeds of the sale of all casks, barrels and packages, and the contents thereof seized, as herein provided, shall be paid into the city, village or town treasury.

POLICE MAGISTRATES.

AN ACT to authorize the election of police magistrates in towns, cities and villages where the same are not now provided for by law. [Approved and in force April 13, 1875. Laws 1875, p. 91.]

209. ELECTION—TERM OF OFFICE—JURISDICTION AND FEES.

§ 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That all towns, cities and villages in the state which have been incorporated under charters granted by special acts, or under a general act, when the law under which they are incorporated does not authorize the election of a police magistrate, be and they are hereby authorized to elect one police magistrate at the first annual election of town, city or village officers that shall occur after the passage of this act, and quadrennially thereafter. Such police magistrates shall hold their offices for the same term, be commissioned and qualified, and have the same jurisdiction and fees as police magistrates of villages have under the general law for the incorporation of cities and villages.

210. EMERGENCY.

§ 2. As the first annual election of town, city, and village officers in many of the towns, cities and villages in this state by this act authorized to elect a police magistrate,

will occur before the first day of July next, after the adjournment of this General Assembly; therefore an emergency exists requiring this act to take effect immediately; therefore this act shall take effect and be in force from and after its passage: *Provided*, that the election for police magistrates in cities that have one or more police magistrates, elected under a former organization as a town or city, shall not be held until the term for which said police magistrate or magistrates were elected has expired.

PUBLIC BUILDINGS.

AN ACT to regulate the means of egress from public buildings. [Approved March 28, 1874. In force July 1, 1874.]

211. DOORS TO OPEN OUTWARD.

§ 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That all public buildings now in process of construction or hereafter to be built or constructed, which may or shall be used for churches, school-houses, operas, theatres, lecture rooms, hotels, public meetings, town halls, or which may or shall be used for any purpose whereby a collection of people may be assembled together for religious worship, amusement or instruction, shall be so built and constructed that all doors leading from the main hall or place where said collection of people may be assembled, or from the principal room that may be used for any of the purposes aforesaid, shall be so swung upon their hinges and constructed that said doors shall open outward; and that all means of egress for the public from the main hall or principal room and from the building shall be by means of doors which shall open outward from the main hall or building.

212. PENALTY.

§ 2. That any person or persons who shall fail or refuse to comply with the provisions of this act shall be fined in any sum not less than \$100 nor more than \$1,000.

213. WHEN PUBLIC BUILDINGS MAY BE CLOSED.

§ 3. That in all cities and towns having a population of two thousand inhabitants and upwards, the mayor, or other corporate authorities of said town or city shall be empowered and he is hereby authorized to close and prohibit, all public buildings hereafter erected from being used in violation of this act.

PUNISHMENT OF PERSONS VIOLATING ORDINANCES.

AN ACT to provide for the punishment of persons violating any of the ordinances of the several cities and villages in this state. [Approved and in force April 12, 1879. L. 1879, p. 79.]

214. VIOLATIONS OF ORDINANCES—HOW PROVIDED.

§ 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That in all actions for the violation of any ordinance of any city or village organized under any general or special law of this state, the first process shall be a summons, *Provided, however,* that a warrant for the arrest of the offender may issue in the first instance, upon the affidavit of any person that any such ordinance has been violated, and that the person making the complaint has reasonable grounds to believe the party charged is guilty thereof; and any person arrested on such warrant, shall, without unnecessary delay, be taken before the proper officer, to be tried for the alleged offense. Any person upon whom any fine or penalty shall be imposed may, upon the order of the court or magistrate before whom the

conviction is had, be committed to the county jail or the calaboose, city prison, work-house, house of correction, or other place provided by such cities or villages by ordinance for the incarceration of such offenders until such fines, penalty and cost shall be fully paid; *Provided,* that no such imprisonment shall exceed six months for any one offense. The city council or board of trustees of any such cities or villages shall have power to provide by ordinance that every person so committed shall be required to work at such labor as his or her strength will permit, within and without such prison, workhouse, house of correction, or other place provided for the incarceration of such offenders, not to exceed ten hours each working day; and for such work the person so employed or worked, shall be allowed, exclusive of his or her board, the sum of fifty cents for each day's work on account of such fine and costs.

215. REPEAL.

§ 2. All acts and parts of acts inconsistent with the foregoing section are hereby repealed.

216. EMERGENCY.

§ 3. Whereas, in some of the cities and villages in this state there is no authority for the imprisonment of offenders in work-houses or houses of correction, and requiring such offenders to work, therefore an emergency is declared to exist, and this act shall be in force from and after its passage.

ROADS AND BRIDGES.

AN ACT in regard to roads and bridges in counties under township organization, and to repeal an act and parts of acts therein named. [Approved June 23, 1883. In force July 1, 1883. L. 1883, p. 137.]

* * * * *

217. COMMISSIONERS — CERTIFICATE — TAX EXTENDED—HOW COLLECTED AND PAID.

§ 16. The commissioners, at said semi-annual meeting,

shall make a certificate of the rate per centum finally agreed upon, by virtue of sections thirteen and fourteen of this act, also the amount to liquidate road and ditch damages, and shall cause such certificate to be delivered to the town clerk, to be kept by him on file for the inspection of the inhabitants of said town; and the town clerk shall at once certify these two items of levy to the county clerk, to be by him extended as one tax upon the collector's books of said town, to be collected as other taxes, and when collected shall be paid to the treasurer of the commissioners by the collector as fast as the same is collected, except such rate per cent. as shall be allowed for collecting the same; *Provided*, that one-half the tax provided to be levied in section thirteen of this act, and collected for road and bridge purposes on the property lying within an incorporated village, town or city in which the streets and alleys are under the care of the corporation, shall be paid over to the treasurer of such village, town or city, to be appropriated to the improvement of roads, streets and bridges, either within or without said village, town or city, and within the township, under the direction of the corporate authorities of such village, town or city; *Provided, further*, that whenever any of said tax is expended beyond the limits of said village, town or city, it shall be with the consent of the road commissioners of the town.

SALARIES OF CITY OFFICERS.

AN ACT to enable the corporate authorities of cities to establish and fix the salaries of city officers. [Approved and in force April 23, 1873.]

218. WHEN TO BE FIXED—NOT CHANGED DURING TERM.

§ 1. *Be it enacted by the people of the State of Illinois represented in the General Assembly*, It shall and may be lawful for the common council or legislative authority of

any city in this state to establish and fix the amount of salary to be paid any and all city officers, as the case may be except members of such legislative body, in the annual appropriation bill, or ordinance made for the purpose of providing for the annual expenses of any such city, or by some ordinance prior to the passage of such annual appropriation bill or ordinance; and the salaries or compensation thus fixed or established, shall neither be increased nor diminished by the said common council or legislative authority of any such city, after the passage of said annual appropriation bill or ordinance, during the year for which such appropriation is made, and no extra compensation shall ever be allowed to any such officer or employee over and above that provided in manner aforesaid.

219. EMERGENCY.

§ 2. Whereas the corporate authorities of certain cities in this state have no power to establish or fix the salaries of their city officers in certain cases, whereby an emergency exists requiring this act to take immediate effect: therefore this act shall take effect and be in force from and after its passage.

SIDEWALKS.

AN ACT to provide additional means for the construction of sidewalks in cities, towns, and villages. [Approved April 15, 1875. In force July 1, 1875. Laws 1875; p. 63.]

220. SIDEWALKS BY TAXATION.

§ 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That in addition to the mode now authorized by law, any city or incorporated town or village may, by ordinance, provide for the construction of sidewalks therein, or along or upon any street

or part of street therein, and may, by such ordinance, provide for the payment of the whole or any part of the cost thereof, by special taxation of the lot, lots or parcels of land touching upon the line where any such sidewalk shall be ordered, and such special taxation may be either by a levy upon any lot of the whole, or any part of the cost of making any such sidewalk in front of such lot or parcel of land, or by levying the whole or any part of the cost upon each of the lots or parcels of land touching upon the line of such sidewalk, *pro rata* upon each of said lots or parcels according to their respective values—the values to be determined by the last preceding assessment thereof for the purpose of state and county taxation; or the whole or any part of the cost thereof may be levied upon such lots or parcels of land in proportion to their frontage upon such sidewalks, or in proportion to their superficial area as may be provided by ordinance ordering the laying down of such sidewalk; and in case such ordinance shall only require the payment of a part of the cost of such sidewalk to be paid by a special tax as aforesaid, then the residue of such cost shall be paid out of any fund of such city, town, or village, raised by general taxation upon the property thereof, and not otherwise appropriated.

221. WHAT ORDINANCE MAY PROVIDE.

§ 2. Said ordinance shall define the location of such proposed sidewalk with reasonable certainty, shall prescribe its width, the materials of which it shall be constructed, and the manner of its construction, and may provide that the materials and construction shall be under the supervision of, and subject to, the approval of some officer or board of officers of such city, town or village, to be designated in said ordinance. Said ordinance shall be pub-

lished as required by law for other ordinances of said city, town or village, and may require all owners of lots or parcels of land touching the line of said proposed sidewalk to construct a sidewalk in front of their respective lots or parcels in accordance with the specifications of said ordinance, within thirty days after such publication, and in default thereof, said materials to be furnished and sidewalk constructed by said city, town or village, and the cost, or such part thereof as may be fixed in said ordinance, may be collected from the respective owners of said lots or parcels of land as hereinafter provided.

222. IN CASE OWNER NEGLECTS TO CONSTRUCT.

§ 3. In case of the default of any lot owner or owners to construct the sidewalks, as required by ordinance, and the same shall be constructed by the city, town or village, the cost thereof, or such part of the cost thereof as may have been fixed by said ordinance, may be recovered of the owners so in default by an action of debt in the name of the city, town or village, against such owners respectively in any court of competent jurisdiction, or upon the completion of the work by such city, town or village. Such ordinance may provide that a bill of the cost of such sidewalk showing in separate items the cost of grading, materials, laying down, and supervision, shall be filed in the office of the clerk of such city, town or village, certified to by the officer or board designated by said ordinance to take charge of the construction of said sidewalk, together with a list of the lots or parcels of land touching upon the line of said sidewalk, the names of the owners thereof, and the frontage, superficial area, or assessed value as aforesaid, according as said ordinance may provide for the levy of said costs by frontage, superficial area, or assessed value; whereupon

said clerk shall proceed to prepare a special tax list against said lots or parcels, and the owners thereof, ascertaining by computation the amount of special tax to be charged against each of said lots or parcels and the owners thereof on account of the construction of said sidewalk, according to the rule fixed for the levy of such special tax by said ordinance, which special tax-list shall be filed in the office of said clerk; and said clerk shall thereupon issue warrants directed to such officer as may be designated in such ordinance, for the collection of the amount of special tax so ascertained and appearing from said special tax-list to be due from the respective owners of the lots or parcels of land touching upon the line of said sidewalk; and such officer shall proceed to collect such warrants in the same manner as constables are authorized to collect executions, and make return thereof, together with the moneys collected, to the clerk of such city, town or village, within sixty days from the date of their issue; and in case any such warrant shall be returned, as to the whole or any part thereof, "no property found," other warrants may issue, and proceedings by garnishment may be resorted to, as in cases of garnishment in aid of the collection of judgments at law, and all moneys so collected and paid over to said clerk shall be, by him, immediately paid over to the treasurer of said city, town or village.

223. SPECIAL TAX—DUTY OF CLERK—REPORT.

§ 4. Upon failure to collect such special tax as heretofore provided in this act, it shall be the duty of said clerk, within such time as such ordinance may provide, to make report of all such special tax in writing, to such general officer of the county as may be authorized by law to apply for judgment against, and sell lands for taxes due county

or state, of all the lots or parcels of lands upon which such special tax shall be so unpaid; with the names of the respective owners thereof, so far as the same are known to said clerk, and the amount due and unpaid upon each tract together with a copy of the ordinance ordering the construction of said sidewalk, which report shall be accompanied by the oath of the clerk that the list is a correct return of the lots and parcels of land on which the special tax levied by authority of said city, town or village, for the cost or partial cost (as the case may be) of the sidewalk in said ordinance specified, remains due and unpaid, and that the amounts therein stated as due and unpaid have not been collected, nor any part thereof. Said reports, when so made, shall be *prima facie* evidence that all the forms and requirements of the law in relation to making such return have been complied with, and that the special tax, as mentioned in said report, is due and unpaid.

224. GENERAL OFFICER TO OBTAIN JUDGMENT—BY WHAT LAWS GOVERNED.

§ 5. When said general officer shall receive the aforesaid report, he shall at once proceed to obtain judgment against said lots or parcels of land for said special tax remaining due and unpaid, in the same manner as may be provided by law for obtaining judgment against lands for taxes due and unpaid to the county and state, and shall in the same manner proceed to sell the same for the said special tax due and unpaid. In obtaining said judgment and making said sale, the said officer shall be governed by the general revenue laws of the state, except when otherwise provided herein, and said general laws shall also be applicable to the execution of certificates of sale, and deeds thereon, and the force and effect of such sales and deeds; and all

other laws in relation to the enforcement and collection of taxes, and redemption from tax sales, shall be applicable to proceedings to collect such special tax, except as herein otherwise provided.

225. WHEN CONSTRUCTED BY OWNER MAY OBTAIN ORDER.

§ 6. Whenever payment of the costs of any such sidewalk is required to be made in part by special tax, and in part out of any general fund of such city, town, or village and the owner of any such lot or parcel of land shall construct such sidewalk in accordance with the ordinance providing for its construction, such owner shall file with the clerk of such city, town or village, an itemized statement of the cost of such sidewalk so constructed, by him verified by affidavit, together with a certificate of the officer or board directed by such ordinance to superintend the construction thereof, that such sidewalk has been constructed and fully completed by such owner in accordance with such ordinance, and the council of such city, town or village, shall thereupon, at its first meeting thereafter, allow an order to be issued to such owner, an order on the treasurer of such city, town or village, for the cost of the construction of such sidewalk, less the amount of special tax chargeable to the lot or parcel of land of such owner on the line of which such sidewalk has been so constructed.

SEWERAGE,

AN ACT to enable cities, towns and villages to contract with each other for sewerage. [Approved May 14, 1879. In force July 1, 1879. L. 1879, p. 75.]

226. MUNICIPAL CORPORATIONS MAY CONTRACT WITH EACH OTHER FOR SEWERAGE.

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

city, or incorporated town or village, shall be adjacent or contiguous to any other city, or incorporated town or village, they shall be authorized to contract with each other upon such terms as may be agreed upon between them, to allow and permit the one the use and benefit of any sewer or drain, or of any system of sewerage or drainage heretofore constructed, or which may be hereafter constructed by the other, and further that any such sewer or drain or system of sewerage or drainage constructed, or which may hereafter be constructed by the one, may be extended or furnished to the inhabitants of the other, and they may by contract with each other provide for the joint construction of any sewer or drain by the municipalities so contracting, and for the common use thereof by the inhabitants of such municipalities.

227. CONTRACTS—HOW MADE.

§ 2. The contract contemplated in section one of this act may be made by ordinance or resolution duly enacted or passed by the common council, board of trustees, or other proper legislative authority of the city or incorporated town or village confirming or agreeing to such contract and every such contract when ratified or confirmed by the proper corporate authorities of the municipal corporations who are parties thereto, shall be in all respects valid and binding.

SEWERAGE, WATER AND LIGHT TAXES.

AN ACT in relation to the levy and collection of taxes for sewerage and water works in cities of this state, that may have established a system of sewerage and water works for such city, and to repeal an act therein named, and to authorize the cities, villages and incorporated towns of this state to levy and collect taxes to pay for water and light. [Approved June 21, 1883. In force July 1, 1883. L. 1883, p. 68.]

228. SEWERAGE FUND TAX.

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

authority of any city which now has, or may hereafter establish a system of sewerage for such city shall have power annually, to levy and collect a tax upon the taxable real and personal estate of such city, not to exceed one mill on a dollar, for the extension and laying of sewers therein, and the maintenance of such sewers, which tax shall be known as "The sewerage fund tax," and shall be levied and collected in the same manner that other general taxes of any such city are levied and collected: *Provided, however,* that the board of public works of such city, if any, or the head of the sewer department of such city, shall first certify to such legislative authority the amount that will be necessary for such purpose: *Provided, further,* that a two-third majority of all the members elect of the legislative authority of such city, may levy a tax for such purposes, not to exceed three mills on each dollar of the taxable property of such city.

229. WATER FUND AND LIGHT TAX.

§ 2. The legislative authority of any city which now has, or which may hereafter have established or hired water works, for the supply of water to the inhabitants thereof, shall have power to annually levy and collect a tax upon the taxable real and personal estate of any such city, whether organized under a special charter or the general law, not to exceed one mill on the dollar, for the extension of water mains or pipes therein, and the maintenance of such water-works, or to the creation of a sinking fund to be applied to the establishment of water works, which tax shall be known as the "water fund tax," and shall be levied and collected in the same manner that other general taxes of any such city are levied and collected: *Provided,* that the board of public works of such city, if any, or the head

of the water department of such city, shall first certify to such legislative authority, the amount that will be necessary for such purposes, and shall further certify that the revenue or income from such water works will be insufficient therefor: *Provided further,* that two thirds majority of all the members elect of the legislative authority of such city may levy a tax for such purposes, not to exceed three mills on each dollar of the taxable property of such city; *And provided, further,* that the legislative authority of each of the cities, villages and incorporated towns in this state, with the concurrence of two-thirds of the members thereof, shall be authorized to levy, and collect annually, upon the taxable property within its limits, in addition to all other taxes now authorized by law, a tax of not exceeding three mills on the dollar of such taxable property to be used exclusively for the purpose of lighting streets, and a further tax of not exceeding two mills on the dollar of such taxable property to be used exclusively for the purpose of supplying water to such city, village or incorporated town. *Provided, also,* that nothing in this act shall be so construed as to increase the amount of aggregate taxes that may be levied in any one year by any city or village, as provided in section one (1), of article VIII of an act entitled "An act to provide for the incorporation of cities and villages." Approved April 10, 1872.

230. REPEAL.

§ 3. An act, entitled "an act in relation to the levy and collection of taxes for sewerage and water works in the cities of this state, that may have established a system of sewerage and water works for such city." Approved and in force April 22, 1871, is hereby repealed.

TAXES.

AN ACT in regard to the assessment and collection of municipal taxes. [Approved May 23, 1871. In force July 1, 1877. Laws 1877.]

231. HOW MAY BE ASSESSED AND COLLECTED.

§ 1. *Be it enacted by the people of the State of Illinois represented in the General Assembly,* That all cities, villages and incorporated towns, in this state whether organized under the general law or special charter, shall assess and collect their taxes in the manner provided for in article eight (8) of the act entitled, "An act to provide for the incorporation of cities and villages," approved April 10, 1872, and in the manner provided for in the general revenue laws of this state; and all acts or parts of acts, inconsistent with the provisions of this act, are hereby repealed. [See §§ 112, 116, also "Revenue," ch. 120, § 122.]

[NOTE—This act in effect repeals that of April 15, 1873, See R. S. 1874, p. 254 The act of May 5, 1877, for collection of back taxes, and of May 21 1877, to cure defects in water assessment are omitted, being temporary.]

SURPLUS FUND OF TAX.

AN ACT to prohibit any city, town or village in this state from receiving from the county treasury a greater proportion of the surplus fund or tax than shall be received by any other city, town or village within the same county. [Approved May 4, 1877, and in force July 1, 1877. Laws 1877, p. 55.]

232. PROPORTION OF TAX.

§ 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That no city, town or village within any county in this state, shall be entitled to or shall receive from the county treasury of such county any greater proportion of surplus of all taxes which may be collected for county purposes, than any other city, town or village within the county.

233. DRAWBACK—AMOUNT CITY, ETC., MAY RECEIVE.

§ 2. Nor shall any such city, town or village be entitled

to, or receive from the county treasurer any greater drawback of its proportion of the taxes paid into the county treasury, by reason of any appropriation by the county board, out of the county treasury for the making and repairing of roads and highways, the building and repairing of bridges in such county, without any such city, town or village within such county, than is now allowed by law to all other cities, towns and villages within the same county. Any acts, or parts of acts, conflicting with this act, are hereby repealed.

REBATE AND REDUCTION OF TAXES, ETC.

AN ACT to prevent the unjust collection, by incorporated cities and towns, of taxes levied upon property destroyed by fire, and to authorize the common council of such cities, or board of trustees of such towns, to change or amend appropriation bills, to pass new appropriation bills, to reduce taxes and special assessments in certain cases and to discontinue special improvements. [Approved and in force January 18, 1872. L. 1871-2, p. 270.]

234. REBATE WHEN PROPERTY DESTROYED.

§ 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That whenever, in any incorporated city or town in this state, any property listed or assessed for municipal taxation, shall have been or shall hereafter be destroyed by fire, in whole or in part, before the levy of the municipal taxes of such city thereon, or before the municipal taxes levied thereon shall have been collected, it shall and may be lawful for the mayor of such city, or town—if there be no mayor, then the president of the board of trustees, the city comptroller if there be one; and if not, then the city clerk or town clerk, and the tax commissioner, if there should be one; if not, then the chairman of the finance committee of the city council or board of trustees—to rebate or remit so much of such tax or

taxes, so levied upon such property, as in their opinion should be rebated or remitted by reason of such property having been, in whole, or in part destroyed by fire.

235. REDUCE OR RELEASE TAX OR ASSESSMENT.

§ 2. That whenever, in any incorporated city or town in this state, any large portion of the taxable property of such city shall have been or shall hereafter be destroyed by fire, so as to seriously impair or affect the ability of the property owners of such city or town to pay taxes or special assessments thereon, and an appropriation bill has been made or passed, or special improvements ordered before such fire, and the tax or assessment for the payment or raising of the same has not been levied or collected, it may be lawful for the city council or board of trustees of any such town to alter, revise, change, reduce or vacate or repeal such appropriation bill, or any part of the same, and to order the discontinuance of said special improvements, or any of the same, or to reduce the amount of taxes or special assessments ordered to be levied, or assessed, or collected for any general or special purpose, and to pass a new appropriation bill; which new appropriation bill shall have the same force and effect as if the same had been passed within the time prescribed by the charter of any such city or such corporate town.

236. EMERGENCY.

§ 3. Whereas a large amount of property listed for taxation in the city of Chicago, and in other cities and towns of this state, has been destroyed by fire before the taxes thereon have been paid, which taxes it would be unjust to collect, it is declared that an emergency exists that this law go into force immediately, and therefore it is enacted that this law shall be in force from and after its passage.

ANNEXING AND EXCLUDING TERRITORY.

AN ACT to provide for annexing and excluding territory to and from cities, towns and villages, and to unite cities, towns and villages. [Approved April 10, 1872. In force July 1, 1872. L, 1871-2, p. 264.]

237. PETITION TO BE ANNEXED—ANNEXING.

§ 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly*, That on petition, in writing, signed by not less than three-fourths of the legal voters, and by the owners of not less than three-fourths (in value) of the property in any territory contiguous to any city or incorporated village or town, and not embraced within its limits, the city council or board of trustees of said city, village or town (as the case may be,) may, by ordinance annex such territory to such city, village or town, upon the filing of a copy of such ordinance, with an accurate map of the territory annexed (duly certified by the mayor of the city or president of the board of trustees of the village or town,) in the office of the recorder of deeds in the county where the annexed territory is situated, and having the same recorded therein: *Provided*, that no portion, less than the whole of an incorporated city, town or village, shall be annexed to another incorporated city, town or village, except in the mode provided in this act for the annexation of the whole of an incorporated city, town or village, to another city, town or village.

238. ANNEXING ONE CORPORATION TO ANOTHER.

§ 2, Any incorporated city, village or town may be annexed to another incorporated city, village or town, by ordinance passed by a two-thirds vote of all the aldermen or trustees elect of each corporation desiring annexation: *Provided*, such annexation shall not effect or impair any rights or liabilities either in favor of or against such corporations; and suits founded upon such rights and liabilities may be

commenced, and pending suits may be prosecuted and carried to final judgments and execution, the same as if such annexation had not taken place. In making such annexation, the corporations so uniting may by ordinance, fix the terms of the annexation, which shall have the force and effect of a binding contract: *Provided, however*, that no such ordinance shall be of any binding force or effect until submitted to a vote of the legal voters of such city, town or village, at a general election thereof, and adopted by a majority of all the voters voting thereon at such election, notice of which shall be given at the same time and in the same manner as required for the election of the officers of such city, town or village: *And, provided, also*, that the vote shall be by ballot, which shall be "for union ordinance" or "against union ordinance," and shall be received, canvassed and returned the same as ballots for municipal officers of such city, town or village.

NOTE.—Sections 3 to 8 inclusive, of this act, have been omitted under the case of the City of Galesburg vs. Hawkinson. 75 Ill. 132.

239. MAP AND ORDINANCE RECORDED.

§ 9. When any territory is annexed to any city, village or town, as provided in this act, it shall be the duty of the mayor of the city, or the president of the board of trustees of the village or town, (as the case may be,) to cause an accurate map of such added territory, together with the ordinance for the annexation, certified by such mayor, and if a decree or order of the court has been made therefor, a copy of the same, to be filed for record and recorded in the recorder's office for the county in which such added territory is situated. If territory is disconnected or excluded from any city, village or town, a copy of the ordinance or decree therefor shall be so filed for record and recorded.

240. SCHOOL DISTRICTS.

§ 10. All school districts, and other corporations incorporated for school purposes under special acts of the legislature, desiring to annex or disannex territory, may proceed under the provisions of this act.

241. JUDICIAL NOTICE.

§ 11. All courts in this state shall take judicial notice of cities, towns and villages, and of the changes of their territory, made under the provisions of this act.

ISSUING WARRANTS ON COUNTY TREASURER, ETC.

AN ACT to provide for the manner of issuing warrants upon the treasurer of any county, township, city, school district, or other municipal corporation and jurors' certificates. Approved May 31st, 1879. In force July 1, 1879. L. 1879, p 78.

242. WHEN WARRANTS MAY BE DRAWN ON COUNTY TREASURER, ETC.

§ 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That warrants payable on demand shall hereafter be drawn and issued upon the treasurer of this state, or of any county, township, city, school district, or other municipal corporation, or against any fund in his hands, only when at the time of the drawing and issuing of such warrants, there shall be sufficient money in the appropriate fund in the treasury to pay said warrants.

243. MAY BE ISSUED IN ANTICIPATION OF TAXES.

§ 2. That whenever there is no money in the treasury of any county, township, city, school district, or other municipal corporation to meet and defray the ordinary and necessary expenses thereof, it shall be lawful for the proper authorities of any county, township, city, school district, or other municipal corporation to provide that warrants may

be drawn and issued against and in anticipation of the collection of any taxes, already levied by said authorities for the payment of the ordinary and necessary expenses of any such municipal corporation, to the extent of seventy-five per centum of the total amount of said tax levy; *Provided*, that warrants drawn and issued under the provisions of this section shall show upon their face that they are payable solely from said taxes when collected, and not otherwise, and shall be received by any collector of taxes in payment of taxes against which they are issued, and which taxes, against which said warrants are drawn, shall be set apart and held for their payment.

244. JUROR'S CERTIFICATES.

§ 3. All Juror's certificates shall hereafter be issued in conformity with the provisions of this act.

WATER WORKS.

AN ACT authorizing cities, incorporated towns and villages to construct and maintain water works. [Approved and in force April 15, 1873.]

245. POWER TO SUPPLY WATER—LETTING CONTRACT.

§ 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That all cities, incorporated towns and villages in this State be and are hereby authorized, and shall have power to provide for a supply of water for the purposes of fire protection, and for the use of the inhabitants of such cities, incorporated towns or villages, by the erection, construction and maintaining of a system of waterworks or by uniting with any adjacent city, incorporated town or village, in the erection, construction and maintaining of a system of waterworks for

the joint use of such cities, incorporated towns or villages, or by procuring such supply of water from any adjacent city, incorporated town or village already having waterworks; *Provided*, that all contracts for the erection or construction of such works, or any part thereof, shall be let to the lowest responsible bidder therefor, upon not less than three weeks' public notice of the terms and conditions upon which the contract is to be let having been given, by publication in a newspaper published in such city, town, or village; or if no newspaper is published therein, then in some newspaper published in the county; *And, provided further*, that no member of the City Council or Board of Trustees, or Mayor, shall be directly or indirectly interested in any such contract; and in all cases the Council or Board of Trustees, as the case may be, shall have the right to reject any or all bids that may not be satisfactory to them. [As amended by act approved and in force May 14, 1879. L. 1879. p. 64.]

246. BORROW MONEY—TAX.

§ 2. Such cities, incorporated towns and villages may borrow money and levy and collect a general tax in the same manner as other municipal taxes may be levied and collected, for the erection, construction and maintaining of such waterworks, and appropriate money for the same.

247. MAY ACQUIRE PROPERTY FOR WORKS, ETC.

§ 3. For the purpose of erecting, constructing, locating, maintaining or supplying such water works, any such city, incorporated town or village may go beyond its territorial limits, and may take, hold and acquire property and real estate, by purchase or otherwise; and shall also have the power to take, hold and acquire and condemn any and all

necessary property and real estate for the location, erection, construction and maintaining of such water works, in the manner provided for the taking and condemning of private property for public use; and may also acquire and hold real estate and other property and rights necessary for the location, erection, construction and maintenance of such water works by purchase or otherwise; and the jurisdiction of such city, town or village to prevent or punish any pollution or injury to the stream or source of water for the supply of such water works, shall extend ten miles beyond its corporate limits.

248. RULES—TAX—ASSESSMENT—LIEN.

§ 4. The Common Council of such cities, or Trustees of such towns or villages, shall have power to make and enforce all needful rules and regulations in the erection, construction and management of such water works, and for the use of water supplied by the same. And such cities, towns or villages shall have the right and power to tax, assess and collect from the inhabitants thereof such tax, rent or rates for the use and benefit of water used or supplied to them by such water works, as the Common Council or board of trustees, as the case may be, shall deem just and expedient. And all such water taxes, rates or rents shall be a lien upon the premises and real estate upon or for which the same is used or supplied. And such taxes, rent or rates shall be paid and collected, and such lien enforced, in such manner as the Common Council shall by ordinance direct and provide.

249. SPECIAL ASSESSMENT.

§ 5. The expense of locating, erecting and constructing reservoirs and hydrants for the purpose of fire protection,

and the expense of constructing and laying water main pipes, or such part thereof as may be just and lawful, may be assessed upon and collected from the property and real estate specially benefitted thereby, if any, in such manner as may be provided for the making of special assessments for other public improvements in such cities, towns or villages.

250. SEPARATE TAXES.

§ 6. All the income received by such cities, towns or villages from such water works, from the payment and collection of water taxes, rents or rates, shall be kept in a separate fund, and shall first be applied in the payment and discharge of the costs, interest on bonds, or money borrowed and used in the erection and construction of such water works and running expenses thereof, and any surplus may be applied in such manner as the Common Council or board of trustees may direct.

251. WHEN ACT NOT APPLY.

§ 7. The provisions of this act shall not apply to cities, towns or villages in which water works are now managed or controlled by a board of public works.

252. EMERGENCY.

§ 8. Whereas, many of the cities embraced in this act are entirely without adequate protection from fires, and are without lawful authority to provide the necessary means of protection authorized by this act; therefore, an emergency exists that this act should take effect immediately; therefore, this act shall take effect and be in force from and after its passage.

AN ACT to provide for the laying of Water Supply Pipes by Bonds and Special Assessments, payable in installments. [Approved and in force, March 17. 1874.]

253. BONDS—ASSESSMENTS PAYABLE IN INSTALLMENTS.

§ 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That* whenever the corporate authorities of any city, town or village shall provide, by ordinance, for the laying of water supply pipes, to be paid for by a special assessment to be made under the provisions of article nine of the act of the general assembly, entitled "An act to provide for the incorporation of cities and villages," approved April 10, A. D. 1872, such corporate authorities may, in their discretion, provide in such ordinance, or by an ordinance to be adopted at any time prior to the issuance of the warrant to the collector for the collection of such assessment, that the amount of the estimated cost of such improvement shall be provided for in the following manner, to-wit: That bonds of the city, town or village, as the case may be, shall be issued for such portion of the estimated cost of such improvement as shall be apportioned to the city, town or village as public benefit, payable at such time or times, within twenty years, as may be provided by said ordinance, or it may in such ordinance be provided that all or any portion of the amount, so apportioned as public benefits, may be made by general taxation in accordance with the provisions contained in said article nine, and that the portion of said estimated cost which shall be assessed upon property specially benefitted, shall be payable in such annual installments, not exceeding ten in number, as may in such ordinance be prescribed: *Provided*, that nothing in this section shall authorize any city, town or village to issue such bonds to an amount, including all existing indebtedness, in excess of the charter,

statutory or constitutional limitation of the indebtedness of such city, town or village.

254. WHEN INSTALLMENTS PAYABLE—INTEREST.

§ 2. Whenever such corporate authorities shall have provided by ordinance for the making of such improvement in the manner prescribed in section one of this act, the first installment of the amount assessed upon property specially benefitted shall be payable immediately upon the issuance, by the clerk of such city, town or village, of his warrant to the collector, and the subsequent installments shall be payable annually thereafter, with interest until paid, at such rate as shall be prescribed in such ordinance not exceeding ten per cent per annum.

255. APPLIES TO ASSESSMENTS ALREADY ORDERED.

§ 3. This act shall apply to assessments already ordered for the purpose set forth in section 1 of this act, and to the ordinances in relation thereto, as well as to ordinances hereafter to be adopted.

256. EMERGENCY.

§ 4. Whereas, certain cities, towns and villages are about to lay water supply pipe, and are desirous of availing themselves of the provisions of this act, therefore, an emergency is declared to exist, and this act shall take effect and be in force from and after its passage.

AN ACT to enable cities and villages to contract for a supply of water for public use, and to levy and collect a tax to pay for water so supplied. [Approved April 9, 1872, in force July 1, 1872. L. 1871-2 p. 271.]

§ 1. *Be it enacted by the people of the State of Illinois represented in the General Assembly, That* in all cities and

villages where water works may hereafter be constructed by an incorporated company, the city or village authorities in such cities and villages may contract with such incorporated company for a supply of water for public use for a period not exceeding thirty years.

258. TAX.

§ 2. Any such city or village so contracting may levy and collect a tax on all taxable property within such city or village, to pay for the water so supplied.

OPERATING WATER WORKS.

AN ACT to aid cities owning or operating water works to secure an additional or better supply of pure water. [Approved and in force May 27, 1881. L. 1881, p. 157.]

259.

§ 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That all cities owning or operating water works under any charter granted by act of any general assembly of this state, or under the general incorporation laws of this state, whether by boards of water commissioners or by officers appointed for that purpose, are hereby granted the following powers and privileges for the purpose of increasing or bettering the source of supply from which such water is obtained.

260. POWERS OF BOARD—MAY RAISE MONEY—VOTE.

§ 2. Whenever, in the judgment of a majority of any board of water commissioners, or if there be no such board, then in the judgment of the majority of the city council of any city owning or operating such water works, it shall be necessary for the public health, or for any other cause,

to increase the source of water supply, or to substitute for it such better source as in their judgment the interests of such city may demand, such board of water commissioners or city council may, in addition to the powers already conferred upon them by act of any general assembly of this state, construct wells either by boring or excavation and protect and equip the same after construction or may lease water privileges, from private parties or corporations owning wells already or hereafter to be constructed, and may pay for such construction or lease and for the expenses maintained in operating the same out of any earnings of such water works under their control which may be in their hands at the time of the taking effect of this act, or which may accrue to them hereafter; *Provided*, that no money shall be expended under the provisions of this act for the purposes herein specified until the question of the expenditure of such money for the purposes aforesaid shall have been submitted to a vote of the people of the city in which such water works may be situated, at any election for city officers or special election called for that purpose by the city council of said city, and shall have secured a majority of the votes cast at such election: *Provided further*, that no money shall be expended under the provisions of this act for the purpose aforesaid other than the surplus earnings of such water works.

EMERGENCY.

§ 3. (Omitted.)

VACATION OF STREETS, ALLEYS AND HIGHWAYS.

AN ACT to revise the law in relation to the vacation of streets and alleys. [Approved March 24th, 1874. In force July 1, 1874.]

261. THREE-FOURTHS VOTE REQUIRED—DAMAGES.

§ 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That no city council of

any city, or board of trustees of any village or town, whether incorporated by special act or under any general law, shall have power to vacate or close any street or alley, or any portion of the same, except under a three-fourths majority of all the aldermen of the city or trustees of the village or town authorized by law to be elected; such vote to be taken by ayes and noes, and entered on the records of the council or board. And when property is damaged by the vacation or closing of any street or alley, the same shall be ascertained and paid as provided by law.

262. RIGHTS OF ADJOINING OWNERS.

§ 2. When any street, alley, lane or highway, or any part thereof, has been or shall be vacated under or by virtue of any act of this state or by order of the city council of any city, or trustees of any village or town, or by the commissioners of highways, county board, or other authority authorized to vacate the same, the lot or tract of land immediately adjoining on either side shall extend to the central line of such street, alley, lane or highway or part thereof so vacated, unless otherwise specially provided in the act, ordinance or order vacating the same, unless, in consequence of more of the land for such street, alley, lane or highway, having been contributed from the land on one side thereof than the other, such division is inequitable, in which case the street, alley, lane or highway so vacated shall be divided according to the equities of the adjoining owner. [L. 1865, p. 130, § 1.]

BRIDGES.

AN ACT to enable cities and villages to build, acquire and maintain bridges and ferries, outside of their corporate limits, and to control the same. [Approved and in force May 5, 1879.]

263. MAY CONSTRUCT FERRIES AND BRIDGES.

§ 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly, That it shall be law-*

ful for any city or village within the state to build or acquire by purchase, lease or gift, and to maintain ferries and bridges, and the approaches thereto, not exceeding four acres of land for each ferry or bridge within the corporate limits, or at any point within five miles of the corporate limits of such city or village. That all such ferries and bridges shall be free to the public, and that no toll shall ever be collected by any such city or village authority.

264. CONTROL BY CITY.

§ 2. Every bridge and ferry so owned or controlled by such city or village, and the approaches thereto, when outside of the corporate limits, shall be subject to the municipal control and ordinances of such city or village, the same to all intents and purposes, and in effect as though such bridge or ferry and the approaches thereto, were situated within the corporate limits of such city or village, and in such case, the county may assist in the construction of said bridge, as is now provided by law.

265. EMERGENCY.

§ 3. Whereas, certain cities in this state have built bridges outside of their corporate limits, over which they have no police control; therefore an emergency exists, and this act shall be in force from and after its passage.

AN ACT to regulate the manner of travel upon bridges, the whole or a part of which are owned or controlled by cities, villages and towns of this state, and to provide for the enforcing of the same. [Approved and in force May 13, 1879.]

266. PENALTY FOR FAST DRIVING, ETC.

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

ride or drive faster than a walk over any bridge in this state, owned or controlled, either the whole or a part thereof, by any city, village or town of this state, shall for each offense be fined in a sum not exceeding ten dollars nor less than one dollar: *Provided*, that a notice shall be posted on such bridge, warning against riding or driving on such bridge faster than a walk, such fine to be recovered with costs, before any justice of the peace or police magistrate of the county where the offense is committed, upon sworn complaint in writing, upon which a warrant for the arrest of the offender shall issue, and it shall be the duty of every constable of the county, and ever marshal, policeman and police constable, and all other officers of such city, village or town, owning or controlling the whole or in part such bridge, having the power to make arrests, whenever aforesaid offense is committed in the view of such officer or officers, to forthwith take in custody the person or persons so committing aforesaid offense, and bring him or them before any justice of the peace or police magistrate of the county, to be dealt with according to law, and such officer so taking in custody such offender, or any officer of such city, village or town, owning or controlling the whole or a part of such bridge where such offense is committed, may make the complaint upon which warrant shall issue against the offender. All fines collected under this act, shall be paid into the common school fund of the county. *Whereas*, the law is inadequate for the protection of bridges which are owned or controlled, the whole or part thereof, by cities villages and towns of this state, therefore an emergency exists, and this act shall take effect from and after its passage.

CITY BOUNDARIES.

AN ACT to amend the Charter of the City of Joliet. [Approved March 1, 1867; Private Laws, 1867, p. 619.]

267.

§ 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly*, That section one of chapter one, of the charter of the city of Joliet, be so amended that the boundaries of said city shall be described as follows, to-wit: That all of sections nine, ten, fifteen and sixteen, in township thirty-five, north range ten, east of the third principal meridian, except that part of section fifteen (15), lying south and east of the center of Hickory creek, and that part of said sections ten and fifteen (10 and 15), lying east of the center of Spring creek, and also excepting the east-half of the east-half of section ten (10), the boundaries shall also include the south-half of the south-half of section four (4), township thirty-five north, range ten, east of the third principal meridian.

SCHOOLS.

PRIVATE LAWS OF 1857, PAGES 219, 220, 221.

SEC. 1. City divided into two districts.

Boundaries of.

" 2. Inspectors. Election of.

" 3. School property vested in the city.

" 4. Council have power—

1. To erect school houses.

2. To buy or condemn sites and lots for school houses.

3. To furnish school houses with necessary fixtures.

4. To maintain schools.

5. To fix compensation of teachers.

6. To prescribe school books, etc.

7. To prescribe the duties of the board of school inspectors.

8. To demand of the treasurer of school fund of T. 35, R. 10
E. certain portion of said school fund.

9. General powers.

" 5. Inspectors, duties of

" 6. Additions to city for school purposes.

City to levy taxes, etc.

Separate ballot boxes to be provided.

268.

§ 1. The city of Joliet shall be divided into two school districts, as follows: All that portion of the city lying west of the DesPlaines river, shall constitute school district number one, and all that lying east of said river shall constitute district number two.

269.

§ 2. There shall be elected at the first election held under this act, three school inspectors in each school district; one in each district to hold his office one year; one two years; and one three years, to be determined by lot, so that one inspector shall be elected in each district in each year thereafter, to hold his office for three years.

270.

§ 3. That all buildings, lots, and property belonging to the several school districts within the jurisdiction of said city, are hereby vested in said city for school purposes.

271.

§ 4. The city council shall have power:

FIRST—To build, erect, repair, purchase, hire or lease, buildings for school houses and other school purposes.

SECOND—To buy, condemn and appropriate, 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 all other expenses necessary for the proper support of such schools.

FIFTH—To fix the amount or compensation to be allowed to teachers.

SIXTH—To prescribe the school books to be used, and the studies to be taught in the different schools.

SEVENTH—To prescribe the duties of the board of school inspectors.

EIGHTH—To demand and receive from the trustees of schools of township thirty-five north, range ten, in the county of Will, and from the treasurer of the school fund of said township, semi-annually such portion of the interest of said school fund and such other funds as the school districts of said city or the schools therein, are now or hereafter may be by law entitled to receive.

NINTH—And generally have and possess all the rights, powers and authority necessary for the proper regulation and management of schools in said city. and to enact and enforce such ordinances, by-laws and regulations, as may be necessary to carry their powers and duties into effect.

272.

§ 5. It shall be the duty of the board of school inspectors on or before the last Tuesday in each school year, to publish in the corporation newspaper, a full report of the number of pupils instructed in the year preceeding; the several branches of education pursued by them; the amount paid to each teacher; the incidental expenses of each school, and the receipts and expenditures of the respective schools, specifying the sources of such receipts, and the object of such expenditures.

273.

§ 6. That all that part of section three, which is east of the Des Plaines river, the whole of section two, the west half of section eleven, the east quarter of section ten, in township thirty-five north, range ten, east of the third

principal meridian, be, and the same are, added to, and made a part of school district No. two* and section four, and that part of section three lying west of the Des Plaines river in the same township, is hereby added to, and made a part of school district No. one† in said city of Joliet, for school purposes and no other, and the said city is hereby fully authorized and empowered to levy and collect taxes, on all property of all kinds in said territory hereby annexed, the same as in other parts of said city, for the erecting buildings, leasing and repairing school houses, and furnishing the same, purchasing libraries and the necessary apparatus therefor, the support and maintenance of schools, and for all other school purposes, and for no other purpose; and to have and exercise all necessary jurisdiction over said territory, and the property, and rights of property therein, fully to carry out and into effect the provisions of this section; and the legal voters of said territories hereby attached, are hereby authorized to vote for school inspectors of said city, in any ward of said city, in their respective school districts, and are hereby declared eligible to the office of school inspectors in their respective school districts. Separate ballot boxes for each ward shall be provided, in which the inspectors of election shall receive all votes cast for school inspectors, the names for which shall be on a separate ticket.

AN ACT to extend the jurisdiction of the City of Joliet for school purposes. Approved February 16, 1865.

SEC 1. Addition to the city for school purposes.
S. E. quarter section 5 added.

§ 1. *Be it enacted by the people of the State of Illinois represented in the General Assembly, That the south east*

NOTES.—*Section 6 amended. See post section 221, 323.

†Section 6 amended. See post section 218.

quarter of section number five in township number thirty-five, and range number ten, in the county of Will and state of Illinois, be added to the city of Joliet for school purposes, and for no other purposes, and the inhabitants thereof to have like rights and franchises, and be subject to like duties and taxes in all school matters with the other inhabitants of said city.

275.

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

AN ACT to amend the Charter of the City of Joliet. Approved March 1, 1867. Pr. L. 1867, pp 619 and 621.

SEC 2. Council to levy tax.

10. Addition for school purposes.

276.

§ 1. *Be it enacted by the People of the State of Illinois represented in the General Assembly:* 1st. That article second, of section one, of chapter five be so amended as to read as follows, to-wit: To annually levy and collect a school tax, not exceeding ten mills on the dollar, on all real and personal estate, to meet the expenses of purchasing grounds for school houses, for building and repairing school houses, and supporting and maintaining schools.

277.

§ 10. That that part of the north east quarter of section twenty-one, township thirty-five north, range ten east, etc., which lies east of the Chicago & St. Louis Railroad, be and the same is added to, and made a part of, school district No. two (2) in the city of Joliet, in Will county.

278.

§ 11. All acts and parts of acts coming in conflict with provisions of this act are hereby repealed.

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

AN ORDINANCE under the act of April 10, 1872. Sections 1 and 10, Rev. Statutes of 1874, [pp. 111 and 112 of this compilation.] Passed and approved March 14, 1877
279.

Be it ordained by the City Council of the City of Joliet,

§ 1. That that part of the south half of section fifteen (15), in township thirty-five (35) north, and of range ten 10) east (of the third P. M., which lies south of Hickory creek, (except the southeast quarter of the southeast quarter of said section), be, and it is hereby annexed to school district No. 2, of the city of Joliet, for school purposes.

ORDINANCES.

AN ORDINANCE IN REVISION OF THE GENERAL ORDINANCES.

—OF THE:—

CITY OF JOLIET.

Be it ordained by the City Council of the City of Joliet:

CHAPTER I.

ANIMALS, POUND AND POUND KEEPERS.

- SEC. 1. Animals running at large.
- 2. Penalty for.
- 3. Duty of officers in this chapter.
- 4. If defendant not found, case continued.
- 5. When proceeds of sale exceed judgment.
- 6. Before sale, owners may redeem.
- 7. Penalty for breaking open city pound.
- 8. Penalty for hindering an officer.
- 9. Bridewell keeper to be poundmaster.
- 10. Poundmaster keep register.

§ 1. That it shall be unlawful for any swine, mule, horse, sheep or goat to run at large within the limits of the city of Joliet; and it shall also be unlawful for neat cattle to run at large within the limits of said city, between the hours of eight o'clock in the afternoon and five o'clock in the morning, and such running at large is hereby declared a nuisance.

§ 2. If any person shall suffer or allow any swine, horse, mule, neat cattle, sheep or goat to run at large in the city of Joliet, in violation of the foregoing section, such person or persons shall be deemed the author of such nuisance as mentioned in the said section, and on conviction shall be subject to a fine of not less than two dollars and not more than twenty-five dollars, and costs of suit for each and every offense.

§ 3. If any swine, horse, mule, neat cattle, sheep or goat shall be found running at large within the limits of the city of Joliet at a time when they are prohibited from being at large by this ordinance, it shall be the duty of the superintendent of streets, poundmaster or police officer or officers to take up said swine, horse, mule, neat cattle, sheep or goat, and put them into the common pound, and thereupon it shall be the duty of the police magistrate or justice of the peace on complaint made, to issue a warrant against the owner or owners of said swine, horse, mule, neat cattle, sheep or goat, as in other cases, and upon return of said warrant, the fact of said animals running at large shall be tried and proceedings be had as in other cases before said police magistrate; and in case it shall be found by the court or jury that the said swine, horse, mule, neat cattle, sheep, or goat were found running at large in the city of Joliet, by permission of the said defendant, the court shall assess a fine in accordance with Section Two of this chapter, and as a part of said judgment the court shall make an order that the said officer or officers shall sell said animals at public sale, upon first publishing notice thereof in the corporation newspaper for one week, to the highest bidder for cash, to satisfy said judgment and costs: *Pro-*

vided, said judgment and costs are not paid by said defendant.

§ 4. In case the said warrant shall be returned by said officer "the defendant not found," the case shall be continued until publication of notice of said suit, which publication shall be for one week in said newspaper, and at the end of such time, proceedings shall be had as in Section Three.

§ 5. When the proceeds of the sale of any swine, horse, mule, neat cattle, sheep or goat shall exceed the amount of judgment and costs, and expense of taking up and sustenance, it shall be the duty of such officer so selling, to pay into the city treasury such surplus, and the owner or owners of the animals so sold, shall be entitled to a warrant on city treasury for such excess, upon presenting to the mayor and city clerk satisfactory evidence of his rights thereto.

§ 6. At any time before the sale of any animal or animals impounded, the owner or owners thereof may redeem the same by paying to the pound-keeper the impounding fee and costs of sustenance, as prescribed in this ordinance, and in case proceedings shall have been instituted before a judicial officer, the cost of such proceedings and the amount of the judgement if judgement shall have been recovered under this ordinance, together with subsequent accrued costs of sustenance, shall be the redemption money to be paid.

§ 7. If any person shall break open, or in any manner directly or indirectly aid or assist in, or counsel or advise breaking open any city pound for said animals found running at large, he shall forfeit and pay a penalty of not less

than five dollars, nor more than twenty dollars for such offense.

§ 8. No person shall hinder, delay or obstruct any officer engaged in taking to any city pound, any animal liable to be impounded, under a penalty of not less than three dollars, nor more than ten dollars, for each offense.

§ 9. The bridewell-keeper shall be the pound keeper, and shall receive for each animal put into said pound, the sum of twenty-five cents, and shall be allowed by the court a reasonable charge for the care and keeping of said swine, horse, mule, neat cattle, sheep or goat, and that the person catching such animals shall be allowed twenty-five cents when such person is not an officer of the city. During the stay of any animal in the pound, he shall feed and water the same, the costs of which, as also the impounding fees the claimant of such animal shall pay to the pound-keeper before such animal shall be released.

§ 10. The poundmaster shall keep a book which shall be open to the inspection of any and all persons, in which he shall record a description of all animals impounded, with date of the impounding of each and the owner's name if known, and also a statement of what disposition is made of such animal, when and by whom redeemed, or, in case of sale, the date of sale and the name of the purchaser and the amount received therefor; and said poundkeeper shall within thirty days after every sale of animals, as herein provided, pay into the city treasury all moneys received by him in excess of the costs, fees and expenses allowed in this chapter.

CHAPTER II.

ARRESTS.

- SEC. 1. Arrests may be made without warrant.
2. Arrests regulated; appearance, and where.
 3. When defendant is drunk to be confined till sober; magistrate may confine till sober.
 4. Resisting or obstructing officers: penalty for.
 5. Penalty for false representation as an officer.

§ 1. That in cases arising under any of the ordinances of said city, the mayor, chief-of-police, policemen, aldermen and watchmen or any conservator of the peace, are hereby authorized and it shall be their duty to arrest, with or without process, and take before any police magistrate or justice of the peace of said city, any person or persons who shall break the peace or be found violating any ordinance of this city, and said officers or any of them, are hereby authorized and it shall be their duty to arrest without warrant, and take before such magistrate any person or persons for an actual or alleged violation of any ordinance of said city where there is danger of the offender escaping before a warrant can be procured, and any of said officers shall if they deem the same necessary, whether acting under or without warrant, execution, or *ca sa*, call to their aid or assistance any person or persons over the age of twenty-one years, and any person or persons who shall refuse or neglect to give such aid and assistance when called upon by any of said officers, shall be fined not less than five dollars nor more than twenty-five dollars.

§ 2. That whenever any person or persons shall be arrested by any officer authorized to make arrests in said city, for a breach of any ordinance of said city now in force, or that may hereafter be passed, after the hour of

seven o'clock, P. M., between the first day of April and the first day of October, or after the hour of five o'clock P. M., between the first day of October and the first day of April, it shall be lawful for the said officer to confine the offender in the city bridewell in said city, and the keeper of said bridewell is hereby authorized and required to receive such offender or offenders, there to remain until the hour of nine o'clock the succeeding day, when it shall be the duty of said officer to carry such offender before a police magistrate or justice of the peace, of said city, to be dealt with according to law and the ordinances of said city: *Provided*, That if said offender shall be arrested after the above hours on Saturday night, or at any time on Sunday, he shall remain in confinement or in the custody of said officer or officers, until the hour of nine o'clock on Monday morning, when he shall be taken before a police magistrate or justice of the peace, and be dealt with as is or may be provided by ordinance.

§ 3. In all cases where any person or persons shall hereafter be arrested, with or without warrant, for a breach of any ordinance of said city now in force, or that may hereafter be passed, and such person or persons shall, at the time of his or her arrest be drunk or intoxicated, the officer making the arrest shall convey the person or persons arrested to the city bridewell or some other secure place of confinement in said city, and there detain him or her or them until such person or persons shall be perfectly sober; and it shall then be the duty of the officer making the arrest to take such offender before a police magistrate or justice of the peace, to be dealt with according to law and the ordinances of said city. And any officer who shall fail to take such offender before a police magistrate or jus-

tice of the peace, shall be suspended in his official duties by the council. And the police magistrate or justice of the peace of said city shall also have power and authority to order any person to be detained in custody in the manner and for the time aforesaid, who shall be brought before them charged with the violation or breach of any ordinance, and who at the time of his appearance shall be drunk or intoxicated.

§ 4. Whoever shall hinder, obstruct, resist, interrupt or interfere with, or aid, encourage or countenance another person in hindering, obstructing, resisting, interrupting or interfering with any officer of said city in the discharge of his official duties, or shall rescue, or attempt to rescue from any such officer any person in his custody, or shall prevent, or attempt to prevent any such officer from arresting any person, or shall hinder, obstruct, resist, interrupt or interfere with any person called upon or authorized by any such officer to aid him in making an arrest, or to assist him in his official duties, shall be deemed guilty of a misdemeanor, and, on conviction shall forfeit and pay not less than five dollars nor more than one hundred dollars for every offense.

§ 5. Whoever shall in this city falsely represent himself to be an officer of this city, or shall without being duly authorized by the city, exercise or attempt to exercise any of the duties, functions or powers of a city officer, shall be deemed guilty of a misdemeanor, and, on conviction, shall forfeit and pay not less than five dollars nor more than one hundred dollars.

CHAPTER III.

AUCTIONS AND AUCTIONEERS.

- SEC. 1. Unlawful to exercise the business of auctioneer.
 2. To give bond and payment for license.
 3. Application for license, how made.
 4. Application for permit to sell household goods.
 5. Guilty of any device or trick. — Penalty.
 6. Exemption.

SECTION 1. That it shall not be lawful for any person within said city to exercise the business, trade or vocation of an auctioneer, nor to sell or vend at public auction any goods, wares, merchandise, or real estate, or any interest therein, without first having obtained from said city a license or permit for that purpose, as hereinafter provided, and any person violating this section shall forfeit and pay not less than twenty dollars nor more than one hundred dollars for every offense.

§ 2. Every person who may wish to obtain a license shall execute a bond to said city with security, to be approved by the mayor or city council, in the penal sum of five hundred dollars, conditioned for the faithful observance of the ordinances and regulations of the city council, and shall also pay to the city treasurer the sum of one hundred dollars for a license for the period of one year, and for any period less than one year at the rate of ten dollars per day.

§ 3. Every person who shall apply for a license, shall state in writing to the mayor or city council, the proposed place of business, and in no case except as hereinafter, otherwise provided, shall the license be transferred or the place of business changed except by the consent of the city

council; nor shall any persons have more than one auction or sale-room under one license; nor shall they permit any other person or persons to sell under their license.

§ 4. That on the application of any person in writing for a permit to sell household goods at the residence of such applicant at auction, or upon the application of any regular dealer as above, who has been in such business more than one year for a permit to close out his stock of goods at auction, and upon payment by such applicant in advance, of the sum of two dollars per day, for each day such sale shall continue, the mayor shall grant to any auctioneer having a license who shall be named in such application, a permit to sell at auction at the residence or place of business of such applicant. Such application shall designate the place where such sale is to be made and the name of the auctioneer, and shall be filed with the city clerk.

§ 5. Any auctioneer who shall exhibit and offer for sale and sell at auction any article, and who shall afterward substitute any article in lieu of that offered to and purchased by the bidder; or whoever shall while engaged in or about the making of any auction sale, be guilty of any device, trick or fraudulent practice with intent thereby to deceive or defraud any bidder, shall be fined not less than twenty dollars nor more than one hundred dollars, and upon the conviction of any auctioneer of either of the offenses named in this section, his license may be revoked by the mayor.

§ 6. All sales at public auction made by sheriffs, masters in chancery, coroners, collectors, constables, policemen, executors and administrators, and sales under mortgage and trust deeds, by virtue of their respective offices, are hereby exempted from the operations of this ordinance.

CHAPTER IV.

BILLIARD, POOL AND BAGATELLE TABLES, AND
BOWLING ALLEYS.

- SEC. 1. Unlawful to keep billiards, etc., penalty.
 2. Application for license and payment.
 3. Penalty for allowing minors, etc., to play billiards, etc.
 4. When closed—penalty.

SECTION 1. That it shall not be lawful for any person to keep within said city any billiard, pool, or bagatelle table, or any bowling alley, to be used or played upon by others for hire or gain, without first having obtained a license, under a penalty of not less than ten dollars, nor more than one hundred dollars.

§ 2. It shall be the duty of the applicant to pay into the city treasury the sum of ten dollars for each billiard, pool, or bagatelle table, or bowling alley, so kept for use, and thereupon it shall be the duty of the city clerk to issue a license to such applicant, under the corporate seal, signed by the mayor and countersigned by himself; each and every license issued under this ordinance shall expire on the first day of July in each year, and no license shall be granted for a longer period than one year.

§ 3. It shall not be lawful for any person having a license from said city to keep billiard, pool, or bagatelle tables, or bowling alleys, to suffer or permit any minor under the age of twenty-one years to play on any such tables, or on any bowling alley, nor to frequent, remain at, or be harbored in any room wherein the same are kept for use, except such minor be employed in the place where such billiard hall or bowling alley is so kept, and any person

violating this section, shall on conviction, be fined not less than three dollars, nor more than one hundred dollars for each offense.

§ 4. All billiard and pool rooms and bowling alleys within the city of Joliet shall be kept closed on Sundays; and on week days they shall be closed by eleven o'clock in the evening of each day and be kept closed until five o'clock in the morning of the next day following. Any person violating this section shall for each offense be fined not less than five dollars nor more than fifty dollars.

CHAPTER V.

BRIDGES.

- SEC. 1. Must not drive faster than a walk; penalty.
 2. Only ten head of cattle, etc., to be driven on at a time.
 3. Persons shall not stop unnecessarily with teams on bridges.
 4. Crowds and obstructions, on; penalty.

SECTION 1. That no person shall ride, lead, or drive any team, wagon, dray, cart, or other vehicle, or conveyance nor any horse, mare, ox, or other animal, over or across any iron or wooden bridge within the city limits, at a faster gait or pace than a common walk, and any person or persons who shall be guilty of a violation of this section, shall, for each offense, forfeit and pay to said city the sum of five dollars.

§ 2. No person or persons shall drive or assist in driving, on or across any one of the iron or wooden bridges

within the city to exceed ten head of cattle or horses, at any one time, in a drove, and any person violating the provisions of this section, shall, on conviction be fined not less than five dollars, nor more than one hundred dollars for each offense.

§ 3. If any person or persons shall unnecessarily or willfully remain, or stop with any team, or teams, horses, oxen, wagon, sleigh, sled or any other vehicle whatever upon any of the bridges within said city of Joliet, such person or persons shall, on conviction thereof be fined not less than five dollars, nor more than one hundred dollars for each offense.

§ 4. No person or persons shall gather in assemblies or crowds on any of the bridges, of this city, or the approaches leading to the same, so as to obstruct in any manner the passage of foot passengers, teams, carriages or persons across the same, or be and remain upon any of the sidewalks or main passages of any of the bridges of this city, nor upon the railings of the said bridges, longer than will be necessary to pass over the same, under a penalty of not less than three dollars, nor more than one hundred dollars for every such offense.

CHAPTER VI. BRIDEWELL.

- SEC. 1. Power of bridewell keeper.
 2. Duty of, management of labor.
 3. Keep a record.
 4. Report, and pay over moneys collected.
 5. Bridewell to be kept clean.
 6. To keep persons until expiration of commitment.
 7. Persons committed shall obey keeper.
 8. Duty of keeper and assistants to arrest persons who interfere.
 9. Chief of Police to make requisition for supplies.
 10. Chief of Police to superintend the bridewell.
 11. Mayor and committee on police to visit bridewell.

SECTION 1. That the keeper of the bridewell shall have the custody, rule, charge and keeping of the bridewell and all persons committed thereto, under the supervision and direction of the mayor and chief of police.

§ 2. It shall be the duty of the keeper of the bridewell to receive into and confine in the bridewell all persons committed thereto by any police magistrate, justice of the peace, or criminal court authorized by law or ordinance to commit to said bridewell; and to keep such person or persons at labor or otherwise, according to his or her or their respective sentences. The labor of persons so committed to the bridewell, under a sentence to labor, shall be superintended, directed and managed by the chief of police, provided, however, that when such labor is directed by the chief of police to be done on streets and alleys of this city, then such labor shall be superintended and managed by the superintendent of streets. It shall also be the duty of the keeper of the bridewell to receive and confine in said bridewell all persons who by the ordinances of the city are directed to be confined therein.

§ 3. The keeper of the bridewell shall keep a record, in which he shall enter the name of every person committed to said bridewell, the nature of the offense, by whom and where committed, and the date when, how and by what authority discharged; and he shall carefully preserve a copy of every order and warrant of commitment.

§ 4. The said keeper shall, on or before the first Monday of every month, pay into the city treasury all money received by him for fines, costs or otherwise; and he shall report monthly to the city council all moneys so received by him; also the names of all persons confined in the bridewell, nature of offense and length of time for which they were committed, the amount of the fines and costs, and if discharged before the expiration of the time for which they were committed, the reason for, and by whom discharged.

§ 5. The bridewell shall at all times be kept clean and in good order and in a healthy condition, and the prisoners therein shall be furnished with a supply of good and wholesome food each day; and it shall be the duty of the keeper of the bridewell to see that this section is strictly complied with, and he shall maintain towards persons under his charge a uniformly humane and dignified deportment.

§ 6. He shall keep all persons committed to his charge for the length of time they are committed, or until discharged by due course of law, or order of the mayor or city council.

§ 7. Every person committed to the bridewell shall obey the keeper in all his lawful demands, and shall not molest or hinder him or any of his assistants in the dis-

charge of their duty, and shall not escape or attempt to escape therefrom, or destroy or injure any property appertaining to the bridewell, and shall not transgress or violate the rules of discipline or any of them. Any person violating any of the provisions of this act shall be fined not exceeding one hundred dollars and imprisoned not exceeding ninety days, at the discretion of the police magistrate or justice of the peace.

§ 8. It shall be lawful for the keeper, and the assistant keepers of the bridewell, or either of them, and it is hereby made their duty respectively, to arrest or cause to be arrested and taken before any police magistrate or justice of the peace of this city, any person who shall molest or in any manner interfere with the keeper of the bridewell or with either of the assistant keepers or with any person in his or their custody or charge, as a prisoner, while in the discharge of his or their duty, either in the bridewell or elsewhere, and any person who shall molest or interfere with the keeper, or assistant keepers, of the bridewell, or with any person in his or their custody or charge, shall be fined in a sum not exceeding fifty dollars.

§ 9. The chief of police shall make from time to time, a requisition to the city council for the supplies needed at the bridewell, and no supplies are to be purchased or expenditures made for the bridewell without a requisition therefor having first been allowed by the city council, except in cases of emergency arising through accident, and in cases where for the safe keeping of the prisoners therein confined, immediate repairs are necessary; then the chief of police by and with the consent of the committee on police, may make such necessary purchases and expenditures.

§ 10. It is hereby made a part of the duties of the chief of police to superintend the bridewell and to take the measures necessary to a compliance with this ordinance.

§ 11. The mayor and committee on police shall visit the bridewell as often as once a month, and see that the same is kept in good order and condition and that the rules and regulations thereof are strictly complied with.

CHAPTER VII.

BUILDINGS.

- SEC. 1. Buildings, how numbered on east side of river.
 2. Buildings, how numbered on west side of river.
 3. Buildings, how numbered on streets running north and south.
 4. City Council to cause plates of numbers to be prepared.
 5. Size of number, etc.
 6. Neglecting or refusing to number—penalty.

SECTION 1. It is hereby made the duty of the owners or occupants of all buildings situated in the city of Joliet, on either side of each and every street, to number them in the manner herein, and as may be hereafter provided by the city council. Each street that terminates at the river, shall commence at such point, fixing the even number on the south side of each street, and terminating at the east end of said street; also those streets which run across the Des Plaines River, shall commence at the point of intersection on the east side of said river, and terminating at the east end of said streets, and all streets not running to the river and running east and west, shall commence at the western termination and terminate at the east end of said street, and all the even numbers shall be on the south side of said streets.

§ 2. That each street running east and west on the west side of the Des Plaines river in said city, and terminating at said river, shall commence numbering at the river, and terminate at the west end of said streets; and also those streets running across said river, shall commence at the point of intersection and terminate at the west end of said streets, and all streets running east and west, on the west side of said river, and not running to the river, shall commence at the eastern terminus of said streets and terminate at the west end of said streets.

§ 3. That each street running north and south or nearly north and south shall commence numbering at the intersection of Jefferson street on the east side of the river, and at the intersection of Exchange street on the west side of the river. Streets not running to Jefferson or Exchange streets, and running north and south; shall commence numbering at the terminus nearest to said Jefferson and Exchange streets, the odd numbers to be fixed on the west side of each and every street and the even numbers on the east side of the street.

§ 4. The city council shall cause the city surveyor from time to time to prepare maps or plats of the several streets, showing the numbers of all lots or houses, and the city surveyor shall assign to each lot or house its proper number, one hundred numbers to be assigned to each block, the said surveyor shall deliver free of charge to the owner or occupant a certificate designating the number or numbers of his premises or building.

§ 5. Each of the figures of every number shall be not less than two and one-half inches in length, being so marked as to be distinctly and easily read; said numbers shall be placed in a conspicuous place on the side of or

above the front door of the buildings to which the same are attached.

§ 6. Any owner or occupant of any building that is now, or may be hereafter erected on either side of each and every street in the city of Joliet, who after being notified by the mayor, chief of police or city surveyor, that the street numbers are on record at the city surveyor's office, shall for ten days neglect or refuse to number any buildings owned or occupied by him, in conformity with the provisions of this ordinance, or who shall number such building without having first obtained from the city surveyor a certificate designating the proper number of such building, shall be subject to a penalty of three dollars and a further penalty of five dollars for every twenty days thereafter that he shall neglect or refuse to number said building, or shall maintain thereon a number without said certificate having first been obtained from said surveyor.

CHAPTER VIII.

CITY ATTORNEY.

- SEC. 1. Duties of city attorney.
 2. Salary of.
 3. City Council may employ additional counsel.
 4. Report required.

SECTION 1. That it shall be the duty of the city attorney to appear for the city in all cases wherein the city is a party in all courts, to give legal opinions when required upon subjects submitted to him by the mayor or city council, or by any department of the municipal government, to draft ordinances, to aid in revising the city ordinances, and to act as the legal advisor of the mayor, the city council, and committees thereof and all other officers of the city,

in all matters pertaining to the city. It shall also be the duty of the city attorney to attend the sessions of the city council, and to draft contracts, deeds, bonds and all other legal papers, when directed by the city council or committees thereof.

§ 2. That the salary of the city attorney to be fixed by the city council at the sum of six hundred dollars per annum.

§ 3. That the city council may at any time employ counsel to assist the city attorney in any case or legal proceedings wherein the city is a party; the compensation of said additional counsel to be paid by the city.

§ 4. He shall annually on or before May 1st in each year, report in writing to the city council a statement of all suits instituted and pending in courts of record in which the city of Joliet is plaintiff or defendant, and the steps that may have been taken in court to bring such suits to final issue, to be accompanied with such explanatory remarks as said attorney may see fit to append—to the end that the council may be kept fully advised as to the legal affairs of the city.

CHAPTER IX.

CORPORATION COUNSEL.

- SEC. 1. Mayor may appoint.
 2. Term of office and salary.
 3. Duties of.
 4. When additional counsel necessary.
 5. Compensation, etc.

SECTION 1. That the mayor, by and with the advice and

consent of the city council, may appoint a corporation counsel.

§ 2. The term of office of the first appointee under this ordinance shall commence on the first day of September, A. D., 1883, and continue until the first day of July, A. D., 1884; the salary therefor shall be six hundred dollars, payable in equal monthly installments, and all subsequent appointments may be for any time not exceeding two years, and at a salary to be fixed by the city council.

§ 3. It shall be the duty of the corporation counsel to appear for the city in all cases in courts of record, wherein the city is a party or has a pecuniary interest, to act as the legal adviser of the city council and of all the officers of the city in and about city business, to attend the meetings of the city council when so requested to do, to prepare ordinances, contracts and other legal papers when so directed by the mayor or city council or its committees and to act as the counselor and legal representative of the city.

§ 4. Whenever the judiciary committee of the city council shall deem it necessary for the protection of the interests of the city that the corporation counsel shall have additional counsel and legal assistance other than that furnished by the city attorney, in any suit or proceeding to which the city is a party, or has a pecuniary interest, it shall be the duty of the corporation counsel to employ, at his own expense and charge, a competent attorney from the regular practicing attorneys of the Will county bar, to assist him in the preparation and trial of such cause, such selection to be approved by the judiciary committee in each case.

§ 5. The sole compensation of the corporation counsel for his services and for the hiring by him of assistant counsel, shall be the salary mentioned in the second section of this chapter, provided nothing in this chapter contained shall make the city liable for any such additional assistance nor empower the corporation counsel to bind it therefor, and it is further provided that nothing herein shall be construed so as to render the corporation counsel liable for the salary of the city attorney.

CHAPTER X.

CITY CLERK.

- SEC. 1. City clerk to keep seal, records, etc.
 2. Duties of clerk.
 3. Clerk to give bonds.
 4. Clerk to report and pay over.
 5. Balances to general fund.

SECTION 1. The city clerk shall be the keeper of the city seal, and shall affix to it all instruments and papers which by law or ordinance are required to be attested by city seal; he shall have the custody of, and safely keep all public records, documents, ordinances, resolutions and orders of the city council, and such other papers and documents as may be delivered into his custody.

§ 2. It shall be the duty of the city clerk to attend all meetings of the city council, keep the minutes of all their proceedings, and record the same in books to be provided by the city council, and to be kept in his office. He shall keep a correct account between the city and the city treasurer, by charging him with all sums received by him as

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§ 3. It shall be the duty of the corporation counsel to appear for the city in all cases in courts of record, wherein the city is a party or has a pecuniary interest, to act as the legal adviser of the city council and of all the officers of the city in and about city business, to attend the meetings of the city council when so requested to do, to prepare ordinances, contracts and other legal papers when so directed by the mayor or city council or its committees and to act as the counselor and legal representative of the city.

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§ 2. It shall be the duty of the city clerk to attend all meetings of the city council, keep the minutes of all their proceedings, and record the same in books to be provided by the city council, and to be kept in his office. He shall keep a correct account between the city and the city treasurer, by charging him with all sums received by him as

exhibited to the city clerk in his duplicate receipts, and credit him with all money paid out by him by order of the city council, and he shall allow the city treasurer such other credits as he may be entitled to by law and the ordinances of the city. He shall countersign all warrants drawn on the treasurer and deliver the same when called for, taking a receipt therefor, and generally he shall do and perform such other duties as may from time to time be enjoined upon him by ordinance or resolution of the city council. It shall be the duty of the city clerk at the close of each fiscal year, to make out and lay before the council a full and explicit statement of the receipts and expenditures, and of all the fiscal affairs of the city during such year and cause the same to be published in the corporation newspaper.

§ 3. That the city clerk, before entering on his duties, shall hereafter be required to execute to the city of Joliet an official bond with two or more sureties, in the penal sum of not less than ten thousand dollars, conditioned for the faithful discharge of the duties of his office, and the prompt payment of all money that may come into his hands by virtue of his office and the delivery over to his successor, or to any person appointed by the city council to receive the same, all records, books, papers, documents, and all other property in his possession, or under his control belonging to the city; which bond shall be approved by the mayor or city council, and filed in the office of the city treasurer. The penalty of such bond may be increased from time to time, by order of the city council.

§ 4 It shall be the duty of the city clerk at the end of each month to pay over to the city treasurer all money received by him and to report to the city council at its

next regular meeting the amount of such money received by him together with the city treasurer's receipt therefor.

§ 5. It shall be the duty of the city clerk, at the close of each fiscal year, to place to the credit of the general or city fund all unexpended appropriations for such year, but which shall not include contracts or liabilities entered into by virtue of authority of such appropriation; and which remains unpaid at the close of said fiscal year: *Provided*, that no such disposition shall be made of any trust, school or special assessment funds that by law are specific and under the direct control of officers specially appointed for their disbursement.

CHAPTER XI.

CITY COLLECTOR.

- SEC. 1. Appointment and term of office.
 2. City Collector to give bonds.
 3. Duties of city collector.
 4. Report of city council moneys collected.
 5. Prohibited from keeping money of city in his hands
 6. Collector's compensation.

SECTION 1. There is hereby created the office of city collector, who shall hold his office for the term of one year, and until his successor shall be appointed and qualified, said collector to be appointed by the mayor, by and with the advise and consent of the city council, at the first regular meeting in May of each year, or as soon thereafter as may be.

§ 2. It shall be the duty of the city collector to collect the special assessment and other warrants, which by law and the ordinances of said city may be executed by such collector. He shall give a bond in the penal sum of not less than twenty thousand dollars, conditioned for the

faithful performance of the duties of said office, such bond to be approved by the city council.

§ 3. It shall be the duty of the collector to preserve all warrants which are returned into his hands, and he shall keep such books, and his accounts, in a correct and legible manner. Such books, warrants, and all papers pertaining to said office, shall, at all times be open to the inspection of, and subject to the examination of the mayor, city clerk, or any member of the council, or committee thereof. He shall, weekly, and oftener if required by the council, pay over to the treasurer all moneys collected, taking such treasurer's receipt therefor, which receipt he shall immediately file with the city clerk, but the city clerk shall, at the same time, or on demand, give such tax collector a copy of any such receipt so filed.

That in all cases where a warrant for the collection of a special assessment is placed in the hands of the city collector for collection, he shall, on or before the tenth day of March in each year, or such other date as may be fixed for such purpose by the general revenue law of this state; *Provided*, such warrant shall have been in his hands for collection more than sixty days prior to such date, report, in writing, to the county collector or such other officer of the county as may be authorized or designated in the revenue laws of this state, to apply for judgment and sell lands for taxes, due the county and state, of all the lands, town lots, and real property, on which he shall have been unable to collect such special assessment or assessments, with the amount due and unpaid thereon, together with his warrant or warrants, or a brief description of the nature of such warrant or warrants, received by him, authorizing the collection thereof. Such report shall be accompanied by the

oath of such collector, that the list is a correct return of the lands, town lots, and real property, on which a special assessment or assessments, levied by authority of the city of Joliet, remain due and unpaid, that he has been unable to collect the same, or any part thereof, and that he has given the notice required by law, and that said warrant or warrants have been received by him for collection.

§ 4. He shall make a report, in writing, to the council or any officer designated by the council, of all moneys collected by him, the account whereon collected, or of any other matters in connection with his office when required by the council. He shall also, annually, between the first and the tenth day of April, file with the city clerk a statement of all moneys collected by him during the year, the particular warrant, and special assessment, or account on which collected, the balance of moneys uncollected on all warrants in his hands, and the balance remaining uncollected at the time of the return, on all warrants which he shall have returned during the preceding fiscal year, to the city clerk. The city clerk shall publish or post the same as herein before required to be done in regard to the annual report of the treasurer.

§ 5. The collector is hereby expressly prohibited from keeping the moneys of the city in his hands, or in the hands of any person, or corporation, to his use, beyond the time which may be prescribed for the payment of the same to the treasurer, and any violation of this ordinance will subject him to immediate removal from office.

§ 6. The said collector shall receive two per cent. in full compensation for all moneys actually collected and paid over by him to the city treasurer.

CHAPTER XII.

CITY TREASURER.

- SEC. 1. To give bond.
 2. Duties of city treasurer.
 3. City treasurer to report, when, etc.
 4. Fees of city treasurer.

SECTION 1. The city treasurer, before entering upon the duties of his office, shall execute a bond, with sureties, to be approved by the city council, in a sum not less than the amount of the estimated tax and special assessments for the current year.

§ 2. That it shall be the duty of the city treasurer from time to time, to take under his charge and keep a true and correct account of all money belonging to the city of Joliet, stating from whom and on what account received, and he shall give two receipts therefor, to the person from whom he may receive the same, one of which receipts the person to whom the treasurer may give them shall deliver to the city clerk an order that the treasurer may be charged by the city clerk with the amount thereof, and in no case shall any officer of the city, or any other person, be released from his responsibility to the city for any money he may at any time have in his possession belonging to the city, until he shall deliver to the city clerk the treasurer's receipt therefor.

§ 3. The city treasurer shall, on the first of each month, or oftener if required, make a report under oath to the city council of the amount of money received by him, paid out, and on hand, and shall at the close of each fiscal year, make out and deliver to the city clerk a full and complete report

of his doings during the preceding year, stating the amount of money received, and from whom and for what purpose received, and exhibit all credits allowed by law and the ordinances of the city, and he shall do and perform such other duties as may be required of him by ordinance, resolution, or order of the city council.

§ 4. That the city treasurer shall receive as his sole compensation one third of one per cent. of all moneys received by him (except those received from his predecessor in office) and one-third of one per cent. of all moneys paid out by him, (except of those paid over to his successor in office) and he shall receive no percentage of the money received from his predecessor, or paid to his successor; the amount due said treasurer for commissions to be stated in each monthly report, and upon approval of such report by the city council an order shall be drawn in his favor for the amount of his commissions as shown to be due him, and the city treasurer shall receive no other fees, perquisites, or expenses of any description, but shall furnish and conduct his office at his own expense.

CHAPTER XIII.

CORPORATE SEAL.

- SEC. 1. Seal established; in what cases to be used.
 2. Shall remain in custody of clerk; how to be used.

SECTION 1. That a seal in a circular form, with the words "City of Joliet," June 19, 1852, on the outer circle, and in the interior and centre of said circle, the impression representing a *stone arch bridge*, shall be the seal of the city of Joliet, to be used in all cases that have been or shall

hereafter be provided by the laws of the United States, the laws of the several respective states of the United States, and the ordinances of the said city of Joliet, and in all the cases in which, by the laws and customs of nations it is necessary to use a seal by a corporation.

§ 2. The said city seal shall be and remain in the custody of the clerk of said city, to be used by the said clerk and the mayor of said city, as is provided in the first section of this ordinance.

CHAPTER XIV.

CITY SURVEYOR.

- SEC. 1. Office created—bond.
 2. Duties of city surveyor.
 3. City surveyor to give grade, when, etc.
 4. To keep record, etc.
 5. Fees.
 6. To survey new streets, etc.

SECTION 1. There is hereby created the office of city surveyor who shall hold his office for one year, and until his successor shall be appointed and qualified, said surveyor to be appointed by the mayor, by and with the advise and consent of the city council at the first regular meeting in May of each year, or as soon thereafter as may be, who shall before entering upon the duties of his office, execute to said city a bond in the penal sum of two thousand dollars with two or more good and sufficient securities to be approved by the city council, conditioned that he will faithfully perform his duties as such surveyor, and that he will at the expiration of his term of office, turn over to his successor, or to the city of Joliet, all books, records, surveys, plats, papers, notes, and writings coming to his hands

as such surveyor, or made by him as such surveyor while employed by the city.

§ 2. It shall be the duty of the city surveyor, from time to time, to examine all public improvements in course of construction; he shall also make the necessary surveys, plats, drawings, and estimates of all public improvements and buildings ordered by the city council, and make all necessary surveys of streets, alleys, public square, and all other surveys required in the city; and also, when required by the city council, to mark the line of any lot, or any public or private property, or the grade of any street, alley, or avenue, and mark the same in some substantial and permanent manner; make correct levelings of the streets, alleys, or avenues, the grades whereof is not yet established, and report plans and estimates for the grading thereof; and leveling, plans and estimates of any street, alley or avenue, the grading whereof shall be changed or altered; making land-marks, either for surveying or leveling, by planting stones or otherwise, as he shall deem necessary or useful; mark out all streets, alleys, or avenues, authorized by ordinance, to be opened, and when directed by the city council, construct and keep in his office, a connected map of the city, showing thereon the several additions thereto, the streets, alleys, avenues, public squares, public buildings, and city property, bridges, and generally, all such conspicuous and permanent topographical objects as he shall deem necessary, and from time to time correct and alter the same as circumstances may require. Whenever required by the city council, he shall report his proceedings to said council.

§ 3. The city surveyor, when required to survey, subdivide, or give the grade of any lot or piece of ground

within the city, shall survey the same, and mark the metes and bounds and grade thereof, and give the person applying therefor a certificate, specifying the metes and bounds and grade (when established) and shall be entitled to receive as compensation for the same, the following fees, to be paid by the party applying therefor; for surveying any lot, or surveying and sub-dividing any lot, not more than once, or giving the grade of the street in front thereof, the sum of two dollars: *Provided*, that when said grading is done in pursuance of an ordinance of the city council, no surveyor's fee shall be charged, and if sub-divided more than once, and not more than four times, three dollars; if sub-divided more than four times, and not more than seven, five dollars, and for all sub-divisions over seven in number, he shall receive at the rate of one dollar for each sub-division. If he shall give a false or incorrect certificate of any survey or of any grade, he shall forfeit and pay to said city, not less than five dollars, nor more than one hundred dollars.

§ 4. It shall be the duty of the city surveyor to keep a systematic record on the books of the city of all transactions within his department, and carefully preserve in his office all maps, plans, and surveys of the city, and all records, books, papers and writings made by him, or coming to or being in his hands as such city surveyor. To keep in a suitable book to be provided by the city, all grades established by the city council, said grade book shall be the exclusive property of the city, and all entries therein shall be made with ink. It shall also be the duty of the city surveyor to give grades of streets or alleys to persons desiring to build or to construct sidewalks, and street lines to persons desiring to construct curbing or street grading,

when instructed so to do by the city council or its committee on public improvements. To do and perform such other duties pertaining to the business of his department as may from time to time be necessary, or as the city council or any authorized committee thereof may require of him.

§ 5. Every person intending to build upon any lot, may apply to the city surveyor for the grade in front thereof, and the city surveyor shall ascertain and mark the same, and give a certificate thereof, for which he shall receive a compensation of two dollars, to be paid by the party applying therefor.

§ 6. Whenever any new street, alley, or avenue is established, or any alteration made in existing streets, alleys, or avenues, the city surveyor shall survey the same, running the center line thereof, and noting the width of the street on each side of the line and the intersection of certain streets therewith. The city surveyor shall receive for his service such compensation as the city council may determine.

CHAPTER XV.

CITY COUNCIL.

- SEC. 1. Regular meeting of city council.
 2. How special meetings called.
 3. No business transacted except specified.
 4. Rules of.

SECTION 1. That the city council of the city of Joliet shall hold its regular meetings for the transaction of general business on the second Monday of each month, at the hour of two o'clock P. M.

§ 2. The mayor, or any three aldermen, may call special

meetings of the city council. Such call shall be in writing and signed by the mayor or said three aldermen calling said meeting and shall specify the subject to be discussed at such special meeting. A notice of such special meeting specifying the subjects to be considered, shall be served by the chief of police on each alderman, either personally or by leaving the same at his residence.

§ 3. At such special meeting no subject shall be acted upon except those specified in the call. The place of meeting of said city council shall be the city hall.

§ 4. The following shall be the rules for the government of the deliberation of the city council:

Rule I. The rules of procedure and order of business shall be adhered to invariably by the city council, unless the same shall be suspended by consent of two-thirds of the members present.

Rule II. At the hour appointed for the meeting, the clerk (or some one appointed to supply his absence) shall proceed to call the roll of members, marking the absentees, and announce whether a quorum be present—upon the appearance of a quorum, the council shall be called to order, the mayor taking the chair, if present, and the council appointing a temporary chairman, if he should be absent. The council shall then proceed to business before them, which shall be conducted in the order following:

1. Reading minutes of previous meeting and special meetings.
2. Petitions and communications.
3. Reports of officers.
4. Reports of standing committees.
5. Reports of special committees.

6. Unfinished business.

7. Miscellaneous business.

Rule III. All questions relating to the priority of business shall be decided without debate.

Rule IV. The mayor shall preserve order and decorum, and shall decide all questions of order, subject to an appeal to the council.

Rule V. While the mayor is putting the questions; no member shall walk across or out of the council room.

Rule VI. Every member, previous to speaking, shall rise from his seat and address himself to the mayor, but shall not proceed with his remarks until recognized and named by the mayor.

Rule VII. Every member who shall be present when a question is stated from the chair, shall vote thereon unless excused by the city council, or unless he be directly interested in the question, in which case he shall not vote.

Rule VIII. No motion shall be debated or put unless it be seconded. When the motion is seconded, it shall be stated by the mayor before debate, and every such motion shall be reduced to writing if required by a member.

Rule IX. After a motion or resolution is stated by the mayor, it shall be deemed to be in possession of the council, but may be withdrawn by unanimous consent at any time before a decision or amendment.

Rule X. If the question in debate contain several distinct propositions, any member may have the same divided.

Rule XI. When a blank is to be filled, and different sums or times proposed, the question shall first be put upon the largest sum and longest time.

Rule XII. A motion to adjourn the council, shall always be in order, and shall be put without debate.

Rule XIII. In all cases when a resolution or motion be entered on the minutes of the city council, the name of the member moving the same, shall also be entered on the minutes.

Rule XIV. If one member require it, the ayes and noes upon a question shall be taken and entered upon the minutes, but the ayes and noes shall not be taken unless called for previously to any vote upon the question, except on ordinances and appropriations.

Rule XV. All committees shall be appointed by the mayor, unless otherwise specially directed by the council in case they shall be appointed by ballot.

Rule XVI. Standing and select committees to whom references are made, shall in all cases report in writing, the state of facts with their opinion thereon and attach to their reports all resolutions, petitions, remonstrances and other papers in their possession relative to the matters referred.

Rule XVII. All reports of committees shall be addressed to the mayor and aldermen of the city council of the city of Joliet.

Rule XVIII. When a member wishes to present a communication, petition, or report, he shall rise in his place and address the chairman in the usual form, having briefly stated the subject of such communication or report, asking leave to present the same.

Rule XIX. The standing committees of the city council shall consist of three members each, except committees on streets and alleys, which shall consist of one alderman from each ward, from the east and west side of the river.

Rule XX. The city clerk shall forward all the papers to the appropriate committees and officers, as early as the next day after the reference shall have been made, and it shall be the duty of the chief of police to deliver them: *Provided*, the chief of police may employ a special messenger to distribute the same whenever the duties of his office may require it.

Rule XXI. Regular meetings of the city council shall be held on the second Monday in each month, at 2 o'clock P. M. Notices of special meetings shall be served by the chief of police on each alderman personally, or by leaving the same at his usual place of residence. The chief of police shall have charge of the council rooms, and shall give his attendance at the meeting of the council.

Rule XXII. The standing committees of the city council shall be appointed by the mayor annually, on entering upon the duties of his office, and the first person named on the committee shall be chairman thereof. The following shall be the standing committees:

1. On Finance.
2. On Claims.
3. On Judiciary.
4. On Schools.
5. On Streets and Alleys, east side of the river.
6. On Streets and Alleys, west side of the river.
7. On Bridges, Culverts and Sewers.
8. On Fire and Water.
9. On Printing.
10. On Public Grounds and Buildings.
11. On Ordinances.
12. On Police.
13. On Gas.

14. On Licenses.

15. On Public Improvements.

Rule XXIII. It shall be the duty of the standing committees of the council to keep a close watch of the affairs of their respective departments of the city government, and to make report to the council of whatever facts may be deemed of importance. Each committee shall promptly and thoroughly investigate and report in writing upon all matters referred to it by the council, and perform such other duties as the council may from time to time prescribe.

Rule XXIV. When the council votes to adjourn, the members shall remain seated until the presiding officer announces such vote.

Rule XXV. No persons shall occupy positions within the council bar except the mayor, aldermen, city clerk, city attorney and corporation counsel, without permission of the council.

Rule XXVI. No member shall be allowed to speak more than three times upon a question, nor longer than five minutes, (except the mover of the question,) who shall be entitled to the same length of time for closing.

Rule XXVII. Petitions and remonstrances shall be filed with the city clerk by twelve o'clock on the day of the meeting of the council.

Rule XXVIII. "Cushing's Manual" shall govern the proceedings of the council, except where in conflict with the foregoing rules.

CHAPTER XVI.

CITY WARRANTS.

- Sec. 1. Warrants, how drawn.
 2. Clerk not to draw warrants till four days.
 3. When clerk to cancel warrants and issue new.
 4. Tax levy warrants.
 5. How paid.
 6. When authorized to borrow money on tax warrants.

SECTION 1. "That all warrants drawn upon the treasurer must be signed by the mayor and countersigned by the clerk, stating the particular fund or appropriation to which the same is chargeable, and the person to whom payable; and no money shall be otherwise paid than upon such warrants so drawn." All warrants drawn upon the treasurer shall be payable on demand, except when otherwise specially ordered by the city council.

§ 2. The clerk shall not draw any warrant or warrants on the treasury, in favor of any person or persons, for the payment of any claim, bill, or account, against the city, and allowed by the council, until the expiration of four days after the adjournment of the meeting at which said claim, bill, or account was allowed.

§ 3. That whenever, by order of the city council, any special improvement shall have been finally abandoned, and the proceedings in relation thereto dismissed from court before the collection of an assessment for such special improvement, the mayor and city clerk are hereby authorized, to cancel all warrants drawn on such special improvement fund when surrendered to them, and to issue to the holders thereof, warrants, on the general fund of like amount.

§ 4. That the mayor and city clerk are hereby authorized to procure a book of blank warrants to be drawn against and in anticipation of the collection of taxes after the same have been levied, in accordance with the provisions of Section Two, of an act of the general assembly, of the state of Illinois, entitled, "An act to provide for the manner of issuing warrants upon the treasury of any county, township, city, school district or other municipal corporation, and jurors' certificates," approved May, 31st 1879, and in force July 1st, 1879. Such warrants shall be known as "tax levy warrants," and shall be numbered as a separate series from the demand warrants described in Section One hereof, and shall state upon their face against the tax levy of what year they are drawn; in other respects their form shall conform with the requirements of Section One hereof; and the clerk shall keep a separate account of all the warrants so issued.

§ 5. Where any such tax-levy warrants have been ordered by the city council and drawn by the mayor and city clerk, it shall be the duty of the clerk to file with the city treasurer a certificate of the numbers and amounts of such tax levy warrants, and of the funds upon which, and persons in whose favor they are drawn, and the rate of interest, if any. As fast as the taxes, against which the warrants are drawn, are collected and paid to the city treasurer, it shall be his duty to set apart out of said taxes and out of the respective funds upon which such tax levy warrants were drawn a sum sufficient to pay said tax levy warrants and to hold such sum for such payment.

§ 6. Whenever, after the passage and approval of the appropriation bill and tax ordinance of any fiscal year, and before the taxes so levied have been collected, the

city council shall direct the issue of ordinary demand warrants against any fund, and if there is not in such fund in the treasury any or sufficient monies to pay such warrants, the mayor and city clerk are authorized to borrow and pay into the city treasury to the credit of such fund a sum sufficient to supply such deficiency, and the mayor and city clerk are authorized to issue to the person lending such money, a tax levy warrant, as provided in Section Four of this chapter, against the fund so deficient, for the amount of such loan, and may provide in such tax levy warrant for the payment of interest thereon at a rate not exceeding eight per cent. per annum.

CHAPTER XVII.

DOGS.

- SEC. 1. Dogs not allowed to run at large.
2. Mayor, duty of, to give notice.
3. When dogs declared a nuisance.
4. Penalty for preventing officers.
5. Dogs to be licensed—fee.
6. Clerk to provide necessary tags.
7. Licensed dogs to wear collar with tags fastened thereto.
8. When deemed a nuisance, how abated.
9. Pound keeper—fees.
10. Penalty.
11. In lieu of other city tax.
12. License, not to permit dogs to go unmuzzled.
13. When complaint made to mayor of dog biting, howling, etc.

SECTION 1. That it shall not be lawful for any animal of the dog kind to run at large in the city of Joliet, from the first day of June until the first day of October of each year, and at such other times as are hereinafter provided, unless the same be securely muzzled.

§ 2. The mayor shall, at any time, on an alarm of mad dogs, prohibit by notice in some public newspaper or print-

ed handbills, all dogs from running at large within the city limits, and such prohibition shall continue so long as public safety may require, and until public notice, by the mayor, of the discontinuance thereof.

§ 3. Any dog running at large in violation of Section 1 and 2 of this Chapter, is hereby declared a public nuisance, and it shall be the duty of the chief of police, pound keeper, any police officer, or any other person appointed by the mayor of the city of Joliet, to cause such dog so found to be taken up and disposed of as provided in Section 8 of this Chapter.

§ 4. That no person shall in any way prevent, or attempt to prevent, the chief of police, pound keeper, or any police officer of the city of Joliet, from performing any duty required by this Chapter, and every person so offending shall on conviction forfeit and pay for the use of said city, the sum of not less than three dollars nor more than twenty-five dollars, for each offense.

§ 5. Every owner, possessor, or person who keeps any dog within the limits of the city of Joliet, shall annually and within thirty days after the first day of July in each year, pay to the city clerk the sum of two dollars for each dog so owned, possessed or harbored by him or her, and cause such dog to be registered in the office of the city clerk, in a book kept for that purpose, and also obtain from such clerk the metal tag hereinafter required to be provided by the said clerk.

§ 6. The city clerk shall provide each and every year, such number of metal tags as may be necessary, of such size and shape as he shall deem expedient, (the shape to be changed each year) having stamped thereon numbers indicating the year for which the license fee is paid, and the

letters C. D. L., and to deliver one of such metallic tags to the person so paying the license fee upon any such dog.

§ 7. Every dog so licensed shall have a collar around his neck with the metal tag aforesaid securely fastened thereto. Any dog found within said city, without such metal tag upon his neck, shall be deemed a nuisance and shall be abated as follows:

§ 8. It shall be the duty of the chief of police, his assistants and all policemen and pound masters in the city, to take up and impound in the city pound or such place as may by ordinance be directed, any dog found in the city of Joliet not having a collar around his neck and the metal tag aforesaid attached thereto, and if such dog shall not be redeemed within four days after such dog shall have been impounded, it shall be the duty of the pound keeper of said pound wherein such dog shall be impounded to slay or cause the same to be slain.

§ 9. Every pound keeper or other person designated by the mayor to enforce the provisions of this chapter, is hereby authorized to collect a fee of three dollars of the owner of every dog so impounded, and twenty cents per day for every day such dog shall be impounded; and he shall keep a register of such dogs and shall account for and pay into the city treasury all moneys received under this chapter at the end of each week, retaining therefrom for his fee the sum of fifty cents for each dog so impounded, and he shall receive no other or further compensation.

§ 10. Any person or persons who shall violate or fail to comply with the provisions of Sec. 5 of this Chapter shall be fined not less than five dollars nor more than fifty dollars for each offense.

§ 11. That the license fee provided for in this chapter

shall be in lieu of all taxes imposed upon dogs by the ordinances of this city.

§ 12. That nothing in this Chapter contained shall be construed as permitting dogs to run at large unmuzzled during any period of time when by ordinance or otherwise they are prohibited from being so unmuzzled.

§ 13. On complaint being made to the mayor, of any dog or bitch within the city, which shall, by barking, biting, howling, or in any other way or manner disturb the quiet of any person or persons whomsoever, the mayor, on being satisfied of the truth of such complaint, shall direct a police officer to give notice thereof to the person or persons keeping or permitting such dog or bitch to remain in his or her house, or on his or her premises; and in case such person or persons shall, for the space of one day after such notice, neglect to cause such dog or bitch to be destroyed or removed, so as to prevent the disturbance, he shall forfeit and pay a sum not less than five dollars for every day which shall elapse until such dog or bitch be removed or destroyed as aforesaid.

CHAPTER XVIII.

ELECTIONS—CONTEST OF.

- SEC. 1. How election of alderman may be contested.
 2. Contest heard before city council—statement.
 3. Council to fix time and place for depositions.
 4. Proofs to be filed with city clerk.
 5. Proofs referred to committee.
 6. When election declared null and void.
 7. Ballots may be opened and counted.

SECTION 1. The election of any alderman may be contested by any elector of the city, and the proceedings shall be in accordance with the general laws of this state regu-

lating the mode of contesting the elections of county officers, so far as the same may be applicable.

§ 2. The city council shall be the tribunal before which such contest shall be heard and their decision shall be final. When any person shall desire to contest the right of another to hold the office of alderman, to which such person claims the right, he shall, within sixty days after the election, file with the city clerk a statement in writing, briefly setting forth the points on which he will contest the election, which statement will be verified by affidavit. Upon filing such statement, said contestant shall also serve a copy thereof upon the person whose election he intends to contest, and in case he is absent, or cannot be found, then by leaving a copy of said statement at contestee's usual place of residence.

§ 3. Whenever said statement shall have been filed and served as aforesaid, it shall be the duty of the city council, upon the application of either party, to fix the time and place for taking the depositions of witnesses, when either party may proceed to take the testimony of any witness, in the manner and as provided for taking depositions to be used in cases in chancery, before any judge, justice of the peace, master in chancery, or notary public, at the time and place so fixed, and continue the same from day to day thereafter until all the testimony shall have been taken.

§ 4. In all cases of contested elections, the proofs shall be taken and filed with the city clerk as hereinafter provided, within sixty days from the day fixed by the city council for taking the same. *Provided*, that the council may, from time to time, upon sufficient cause shown, extend the time for taking and filing said proofs. No testimony shall be taken or produced on the hearing before the city coun-

cil, except upon the points set forth in the said statement required to be filed with the city clerk, and served upon the respondent.

§ 5. When all the evidence shall have been taken the same shall be filed forthwith with the city clerk, who shall immediately lay the same before the city council, and the council shall, without delay, refer the same to some appropriate committee to investigate and report upon; and upon such report being made, the council shall decide the same according to the right of the matter, and shall declare as elected the person who shall appear by the evidence to have been elected. The council may require all the testimony and proofs taken to be read in open council.

§ 6. Whenever it shall appear in any case that the person securing the highest number of votes is ineligible to the office because of any legal disqualification, it shall, for that reason, be the duty of the city council to declare said election null and void, and immediately call a special election to fill said office.

§ 7. In all cases of contested elections the parties shall have the right to have the package or packages of ballots which have been returned to the city clerk, as required by law, opened in the presence of a committee of the council, and of the person having the custody thereof, and to have said ballots counted, or the same may be brought into open council, and then and there counted by a committee of three persons appointed for that purpose.

CHAPTER XIX.

FEES.

SEC. 1. Fees of city clerk.

SECTION 1. That the city clerk is hereby authorized to demand and receive as fees for the use of the city of Joliet; for each deed of real estate, one dollar; for transferring each license, fifty cents; for the use of the corporate seal on any attestation, acknowledgement or other certificate, fifty cents; for each certificate not under corporate seal, twenty-five cents; administering oath and attesting the same, twenty-five cents, except to city officers; for certified copies of any record each one hundred words, twenty-five cents; and the city clerk shall account for such fees in his monthly report.

CHAPTER XX.

FIRE DEPARTMENT.

- SEC. 1. Fire Department to consist of.
2. Compensation of officers and members fixed by council.
 3. Fire marshal subject to mayor and council.
 4. Fire marshal appointed by mayor and council.
 5. Engineers and drivers to remain at engine houses.
 6. Mayor and fire marshal to appoint firemen.
 7. Mayor and fire marshal to control fire department.
 8. Fire marshal has control of fire engines.
 9. City council to direct payment of funds.
 10. When not permitted to go out of city with engines.
 11. Fire marshal to keep certain books.
 12. Fire marshal to have entire control of police at fires.
 13. Fire marshal to examine buildings.
 14. Penalty for refusing to make repairs.
 15. No vehicle to be driven over unprotected hose.
 16. Fire marshal to designate who shall have charge during absence.
 17. Gunpowder dealers to report to fire marshal.
 18. Direction for use of stoves.
 19. How stoves and pipes shall be placed and protected.
 20. Duties of mayor, aldermen, chief of police, etc.
 21. No hay or straw shall be placed.
 22. Stacking hay or straw.
 23. Directing lighted candles or lamps in barns.
 24. Fires not to be kindled in streets or alleys.
 25. Penalty for violating provisions of this chapter.
 26. Duties of officers to see this chapter obeyed.

SECTION 1. The fire department shall consist of one fire marshal, and such engineers, drivers, firemen and members as the city council may provide for in the annual appropriation ordinance.

§ 2. The compensation of the officers and members of the fire department shall be such as may be fixed from time to time by the city council.

§ 3. That the fire marshal shall be subject to the control of the mayor and council, and shall hold his office during the pleasure of the mayor and council, and may be removed at the end of any month if the mayor and council so elect.

§ 4. That the fire marshal shall be appointed by the mayor and confirmed by the council at the first regular meeting in May of each year.

§ 5. That the engineers and drivers shall remain at their respective engine houses and devote their whole time to the city, under control of the fire marshal.

§ 6. That the mayor and fire marshal shall appoint all members of the fire department, and the fire marshal shall provide a stoker for the engines, from his firemen.

§ 7. That the exclusive control of the fire department in all matters except expenditures is hereby vested in the mayor and fire marshal.

§ 8. That the fire marshal is hereby vested with full and complete control and charge of the fire engines, and all apparatus and fixtures, belonging to the same, and he shall personally see that they are all kept in good condition, and for that purpose he shall be the sole judge, and shall have full power to direct as to the manner in which the same shall be kept, and when it is necessary to clean and attend to the same.

§ 9. No money shall be paid out for said fire department, or repairs made, or supplies of any kind purchased for said fire department, without the permission of the city council, except in case of minor expenses by some sudden exigency, and in such case the committee on fire and water, and fire marshal shall have power to act.

§ 10. No company shall be permitted to go with their engines or other apparatus beyond the limits of the city without the consent of the city council, unless it be to attend fires in adjacent cities or the suburbs, when it will be necessary to obtain the consent of the mayor, or in his absence the consent of the committee on fire and water.

§ 11. The fire marshal shall keep the following described books, subject at all times to the inspection of the members of the city council. A book containing a complete list of all officers and men in the service of the city as firemen, showing the nativity, age and former occupation of each member, name of his office or duty, the company to which he belongs, the date of his entering service, and such other facts as may be deemed necessary, also a record of fires in a book suitably headed, of alarm, location, class of building, name of owner and occupant, use, cause of fire, personal injuries or death of firemen or citizens, total amount of loss, and total amount of insurance; he shall also make out an annual report, exhibiting in detail, the operations of the fire department, under his supervision the preceding year, including an exhibit in detail of receipts and expenditures, with an inventory of all the property belonging to the department at the date of his report, and report the same to the city council at the first regular meeting in May of each year.

§ 12. That the fire marshal shall have sole control of the police when at fires, as well as all persons present, and may appoint persons to assist in protecting property in such manner as he may deem necessary, the council to pay such persons a reasonable compensation for service so rendered when so recommended by the fire marshal.

§ 13. The fire marshal is hereby authorized to examine any building in the city as often as he may deem necessary, and to cause the owners or occupants thereof to make such repairs as may be necessary for the protection of property and life; and no building erected within the city limits in which fire is to be used, shall be plastered until inspected by the fire marshal, the owners or builders of any such

building to report to the fire marshal when such building is ready for inspection.

§ 14. Any person refusing or neglecting to make such repairs as provided in the foregoing section, when ordered so to do by the fire marshal, or such report as therein provided, shall, at the expiration of five days from the time of such notification concerning repairs or failure concerning such report, on conviction forfeit and pay a fine of not less than five nor more than one hundred dollars for such refusal or neglect. *Provided*, however, that any party feeling himself aggrieved by the act of the fire marshal, may, before prosecution is commenced, have an appeal to the committee on fire and water, and, if upon investigation, the committee find that said party has not violated Section Thirteen of this chapter, then no prosecution shall be commenced. If, however, the committee find that said party has violated said Section Thirteen of this chapter, then the fire marshal may proceed against said offenders as in other cases.

§ 15. No wagon, street railroad car, or other vehicle, shall be driven over any unprotected hose of the fire department of the city of Joliet, when laid down on any street or alley, to be used at any fire or alarm of fire, without the consent of the fire marshal or the assistant in command, and any person violating this section shall be subject to the penalty of not less than three dollars nor more than one hundred dollars for each offense. The fire marshal shall procure and cause to be carried with each hose cart at every alarm of fire, efficient protectors, which shall be laid down when said hose is laid on any street or alley, in such manner as to protect said hose from injury when vehicles are driven over the same.

§ 16. The fire marshal shall designate some discreet and competent person, who shall have command at all fires from which such fire marshal may from any cause be absent, and when so designated, and the members of the fire department duly notified thereof, he shall exercise like powers as might be exercised by the fire marshal if present.

§ 17. It shall be the duty of all persons in the city, who deal in gunpowder, to report to the fire marshal, in writing, in the month of September of each year, the average quantity of gunpowder kept upon the premises, and where kept; a failure of any person dealing in gunpowder to report as above, will subject the offender, upon the complaint of the fire marshal, to a fine of not less than ten dollars nor more than twenty-five dollars for each offense.

§ 18. That it shall not hereafter be lawful for any person to erect or use, any stove or stovepipe, in the city of Joliet, except in accordance with the following provisions of this chapter.

§ 19. Every stove in use shall be placed upon a floor or platform of bricks or zinc, or other incombustible material, of sufficient thickness and extent to prevent all danger of fire to any floor or other woodwork from such stove; and all other fire places and hearths of every description shall be kept in good and sufficient repair to prevent any danger from fire; stovepipes shall not be less than three inches from wood or other combustible materials, unless there is a double circle of tin connected together, and air holes between the connection and the wood or other combustible substances; and all horizontal pipes, or portions of pipe not perpendicular, shall be supported by wires or other proper supporters, so as to prevent all danger of the falling of such pipes; no stovepipe shall discharge or terminate at

any distance less than three feet from the roof, or any other wood work of any building so as to endanger the same, nor into any street or alley.

§ 20. It shall be the duty of the mayor, aldermen, chief of policemen and fire marshal of the fire department in said city, to examine carefully at all times during the year, every house, store, warehouse, shop or building, and places for the keeping and deposit of ashes, chips or shavings, and also to remove and abate any cause from which immediate danger of fire may be apprehended; and to cause all buildings, chimneys, stoves, pipes, hearths, ovens, boilers, ash houses, ash barrels, smoke houses, and all fixtures, things and apparatus used in or about every building which shall be found in such a condition as to be considered unsafe, to be without delay, at the expense of the owner or occupant thereof, put in such condition as not to be dangerous in causing or promoting fires.

§ 21. No hay, straw, or other combustible material or substance shall be placed or deposited in said city, within twenty feet of any place where fire or ashes are kept, unless the same be kept in a close and secure building.

§ 22. No person shall deposit or stack any hay, straw, or other combustible substance within forty feet of any dwelling house or other building in said city, where fire may be kept.

§ 23. No lighted candle or lamp shall be used in any stable, barn, or other place or building where hay, straw, or other combustible material shall be kept, unless the same shall be well secured in a lantern; nor shall any fire be kept in any stove or other place in any such building or room where combustible material is kept, unless in such manner as the fire marshal and chief of police, by written

permission, shall authorize and allow, nor shall any person carry fire in or through any street or lot or other public or private place, except the same be placed or covered in some close or secure pan or vessel.

§ 24. No person shall, in any of the streets, lanes, avenues, alleys public, square or grounds of said city, make or kindle any fire; nor shall any person make or kindle any fire on any private lot in said city, if there be danger of fire to any buildings in the neighborhood of the same.

§ 25. Any person or persons who shall violate any of the provisions of the foregoing sections of this chapter, shall, on conviction, forfeit and pay a fine of not less than three dollars, nor more than one hundred dollars for every offense.

§ 26. It shall be the duty of the officers named in the Twentieth Section of this chapter to see that all the provisions herein are complied with, and to make complaint before a police magistrate for any violation of the same.

CHAPTER XXI.

FIRE LIMITS.

- SEC. 1. Defining fire limits.
2. Defining how buildings shall be erected.
 3. Sheds, privies, deposits of ashes.
 4. Plans of buildings in fire limits to be submitted to committee.
 5. Who constitute the building committee.
 6. Committee to examine and investigate plans, etc.
 7. Wooden buildings, removal, repairs, etc.
 8. Amount of damage, referred to committee.
 9. Penalties for violations of this chapter.
 10. What buildings declared a nuisance.

SECTION 1. That all that part of the city of Joliet embraced within the following limits, shall hereafter be known as the fire limits of the city of Joliet: On the east

side of the river as follows: Beginning at the east bank of the Desplaines river, at the center of Van Buren street, running south on the east bank of said river, to the center of Washington street, thence east on Washington street to the center line of Joliet street, thence south on the center line of Joliet street to the center line of Lafayette street, thence east on the center line of Lafayette street to the center line of Chicago street, thence north on the center line of Chicago street to the center line of Washington street, thence east on the center line of Washington street to the center line of Michigan street, north on the center line of Michigan street to the center line of Van Buren street, thence west on the center line of Van Buren street to the center line of Scott street, thence north on the center line of Scott street to the center line of Webster street, thence west on the center line of Webster street to the center line of Ottawa street, thence south on the center line of Ottawa street to the center line of Cass street, thence west on the center line of Cass street to the center line of Joliet street, thence south on the center line of Joliet street to the center line of Van Buren street, thence west on the center line of Van Buren street to the place of beginning.

On the west side of the river the fire limits shall be as follows:

Beginning at the west bank of the Desplaines river, at the center of Western avenue, thence west on the center line of Western avenue to the center line of Block ten, west Joliet, thence south on the center lines of Blocks ten, fifteen and nineteen, west Joliet, and Blocks six and sixteen in school section addition, to Marion street, thence east on said Marion street to the west bank of the Desplaines

river, thence north on the line of the west bank of the river to the place of beginning.

§ 2. No building shall hereafter be erected within the fire limits, without permission first being obtained of the city council, unless the same shall be constructed in conformity with the following provisions:

FIRST.—All outside walls shall be made of stone, brick, or other fire proof material.

SECOND.—Outside walls not exceeding twenty-four feet in height from the top of the sidewalk to the under side of the joists or rafters (except for mills, stores, breweries, and warehouses,) shall not be less than eight inches in thickness, if of brick, nor less than sixteen inches if of stone; but stores, mills, breweries and warehouses, exceeding twenty-four feet in height as aforesaid, shall not be less than twelve inches in thickness, if of brick, nor less than eighteen inches in thickness if of stone.

THIRD.—All joist, beams and other timbers inside or outside shall be separated at least four inches from each other, with stone or brick laid in mortar, and all wooden lintel pieces in the front or rear walls shall recede from the outside of the walls at least four inches, except that lintels of timber may be used in rear of cast iron fronts, and plates of wood may be used in cornices covered with copper, tin, iron, or other fire proof materials, which recede four inches from the outside or front as aforesaid.

FOURTH.—Roofs, cornices and gutters, shall be covered on the outside surface with copper, tin, iron, or other fire proof material, and all buildings to be used for stores or warehouse purposes which exceed twenty-four-feet in height from the top of the sidewalk to the under side of the rafters, shall have shutters, to all outside doors and windows

(except in front) made of iron or covered with iron or other fire proof material, but steeples, cupolas, spires of churches or other public buildings belonging to Will county or the city, which shall stand ten feet from any other building may be covered with boards or shingles.

FIFTH.—There shall not be more than thirty feet space between outside walls of any building, unless such building shall be supported by iron or other columns or supporters of fire proof material.

SIXTH.—All end walls shall extend above the slating of the roof, at least seven inches of three courses of brick, and in no case shall the planking or slating of the roof extend across the end of the wall.

§ 3. Sheds, not exceeding twelve feet in height at the peak or the highest part thereof, and privies, not exceeding ten feet square and twelve feet in height at the peak, may be constructed of wood, and shall not be subject to the provisions of this chapter; *Provided*, that the term shed be so construed as to mean a structure with a roof sloping one way, with one or more sides to said structure entirely open. But all depositories for ashes, within or without the fire limits shall be built of brick or other fire-proof material, without wood in any part thereof.

§ 4. That all persons desiring to erect any building or buildings within the fire limits of the city of Joliet, as established by this chapter, or to alter or repair any such building or buildings, shall, before commencing the same, submit the plans and specifications to the committee on buildings provided in Section 5 of this chapter.

§ 5. That said committee on buildings, shall consist of the city engineer and the three members of the committee

on public grounds and buildings, as appointed by the mayor.

§ 6. It shall be the duty of said committee on buildings to examine and investigate all plans and specifications submitted to them for inspection, and to issue a written or printed permit to construct, alter or repair the building or buildings, in such cases only where the plans and specifications are in conformity with the provisions of this chapter: *Providing*, however, that no permit shall be required for ordinary repairs, either internal or external, which do not increase the size of the building or alter the conditions as a fire risk.

§ 7. No wooden building or part of building, or any part of a wooden building within the fire limits shall be raised, repaired, enlarged, or removed to any other place within the same, nor shall any wooden building be removed into the fire limits, without permission first being obtained of the city council; *Provided*, that when the sidewalk may be raised above the threshold of any building, said building may be so raised, and so far raised as to keep the first floor a reasonable distance, not to exceed six inches above the sidewalk, nor shall any wooden building within said limits which hereafter may be damaged to the extent of fifty per cent. of the value thereof, be repaired or rebuilt, nor shall any such building, when the damage is less than fifty per cent. of its value, be so repaired as to be raised higher than the highest part left standing after such damage shall have occurred, or so as to occupy a greater space than before the injury thereto.

§ 8. The amount or extent of damage that may be done to any building may be determined by three disinterested persons, residents of the city, one of whom shall be selected

by the owner of the building, the second by the mayor or any two members of the committee on buildings, and the two so chosen shall select a third, and the decision of the persons so appointed shall be final and conclusive; and it shall be the duty of the owner of any building before said reference is made, to deposit with the city clerk the sum of six dollars, which sum shall be applied to the payment of reference expenses, the remainder, if any, shall be returned to such owner.

§ 9. Any owner, builder, or other person who shall own, build, or aid in the erection of any building, or part of building, within the said limits contrary to, or in any other manner, than authorized by the provisions of this chapter, or who shall own, remove, or assist in removing any wooden building within said limits, from one place to another therein, or who shall own, remove or assist in removing any such building from without said limits into the same, or own, repair or assist in repairing any damaged wooden building, contrary in either case to any provisions of this chapter, shall be subject to a fine of not less than twenty-five dollars, and not exceeding five hundred dollars, in the discretion of the court, for the first offense, and to like fine for every forty-eight hours such person shall fail to comply with the provisions of this chapter, or continue in the violation thereof.

If any person shall violate any other provision of this chapter he shall be subject to like fine.

§ 10. Any wooden building which may be erected, enlarged, removed or repaired, or in process of erection, enlargement, removed or repaired contrary to this chapter, shall be deemed a nuisance; and upon information it shall be the duty of the mayor, after due notice to the owner or

builder thereof, to abate the same, by an order in writing to require the chief of police to raze such building to the ground. The expense of such removal shall be reported by the chief of police for assessment by the city council, and may be collected of the party offending, by suit.

CHAPTER XXII.

FISCAL YEAR.

SEC. 1. Fixing the fiscal year.

SECTION 1. That the fiscal year, as contemplated by Section 89 of an act entitled "An act for the incorporation of cities and villages," approved April 10th, 1872, and in force July 1st, 1872, and adopted by the city of Joliet, August 5th, 1876, shall commence on the first day of July of each year, and end on the 30th day of June, next succeeding.

CHAPTER XXIII

GUNPOWDER.

- SEC. 1. Gunpowder, how and where stored.
 2. Certain quantities may be kept by retailers, how and on what terms.
 3. Duty of mayor to search for powder.

SECTION 1. That no person shall keep or store any gunpowder in any house, store or warehouse, or other place within the corporate limits of the city, under a penalty of one hundred dollars for every offense, unless the same is stored in a fire proof magazine, to be located and approved

by the mayor and fire marshal of the fire department; *Provided*, That this Section shall not be deemed applicable to retailers of gunpowder.

§ 2. No retailers of gunpowder shall keep or store any quantity thereof greater than twenty-five pounds weight in any storehouse, shop or place within the corporate limits of the city, except in the magazine aforesaid; *Provided*, also, that said quantity of twenty-five pounds weight shall be kept in close tin or copper canisters, containing not over five pounds each; and no such retailer of gunpowder shall be permitted to sell, retail or give away the same in said city after candle lighting in the evening: and every person violating the provisions of this Section shall be subject to a penalty of not less than five dollars, nor more than one hundred dollars.

§ 3. It shall be the duty of the mayor, when complaint is made to him by any city officer, or upon the affidavit of any citizen, stating there is probable cause to suspect any person of keeping or concealing any gunpowder contrary to the provisions of this chapter, to take with him the chief of police, or any police officer, and search and examine any place within the corporate limits of the city, to ascertain the truth of such allegation or suspicion; and if it be found on examination of any premises as aforesaid, that gunpowder is therein concealed, the offender shall be subject to a penalty of one hundred dollars, and a further sum of one hundred dollars for every twenty-four hours that said gunpowder may remain within the corporate limits of the city, after one day's verbal or written notice has been given by the mayor, chief of police, or fire marshal, to remove the same.

CHAPTER XXIV.

HEALTH.

- SEC. 1. Board of health to consist of, and how organized.
2. Division of districts, salary.
 3. Duties of chief of police.
 4. Board to exercise supervision over health of city.
 5. Neglect to comply with orders of the board.
 6. Persons removed for contagious disease.
 7. Penalty for bringing persons, etc., with contagious disease.
 8. No resident, etc., to leave infected house.
 9. Exposing infected clothing, penalty.
 10. Board to compel boats to perform quarantine duty.
 11. Board to have full power to enter into any boat for examination.
 12. Penalty for refusing the board to enter houses, etc., to examine.
 13. Board of health may require vaccination.
 14. Board of health to make rules for government of quarantine.
 15. Power of board to abate nuisance.
 16. Penalty for refusing to comply with order of board.
 17. No privy to be cleaned till disinfected.
 18. Board to require persons to be vaccinated.
 19. Persons prohibited from offering tainted meat, penalty.
 20. Unlawful to slaughter bruised or maimed animals.
 21. Unlawful to transport meat, etc., through the city in daytime, uncovered.
 22. Unlawful to transport bones or grease from market uncovered.
 23. Unlawful to sell skimmed milk.
 24. Board to exercise a sanitary supervision over health of city.
 25. Board concurrent with city council to define nuisances.
 26. All persons required to obey board of health, penalty.
 27. Every person practicing physic in city to report, penalty.
 28. Board to examine accounts and report monthly.
 29. Board to keep account of expenses.
 30. Unlawful to keep hogs penned in certain localities.
 31. In absence of president's board to elect chairman pro tem.

SECTION 2. That the board of health of the city of Joliet shall consist of three persons, who shall be appointed by the mayor and confirmed by the city council, and shall hold their office for one year from the time they are appointed. The city clerk shall be an *ex officio* member and act as secretary of said board. The board shall organize by electing one of their number president, and shall meet in the council room in said city, once every two weeks, between the first day of May and the first day of October in

each year, and once a month from the first day of October till the first day of May, and at such other times as may be deemed advisable by the President of said board. A majority of said board shall constitute a quorum to do business. The proceedings of said board of health shall be conducted as near as may be, in conformity to the rules and regulations of the city council.

§ 2. For the purpose of looking after the health of said city there shall be one member of said board from each of the following districts: First District.—All the territory lying east of the Chicago & Alton Railroad; Second District.—All the territory lying between the Chicago & Alton Railroad and the Desplaines river; Third District.—All the territory lying west of the Desplaines river. Each member of said board shall receive as compensation for his services the sum of one hundred dollars per annum without any other fee or emolument for their services.

§ 3. The chief of police shall attend all meetings of the board of health, and cause all precepts and notices signed by the president and attested by the clerk, or a majority of the board, to be served, and he shall execute or cause to be executed all orders of said board which may be directed to him.

§ 4. Said board shall exercise a general supervision over the health of the city of Joliet, with full power and authority to take all steps, and use all measures necessary to promote the cleanliness and health thereof, to abate nuisances of every description, both on public and private property; to prevent the introduction into the city of malignant and infectious diseases, and to remove or otherwise dispose of any person attacked by any such diseases, and to adopt in reference to such persons any regulations or measures

deemed advisable, and to establish rules and regulations for the general health of the city.

§ 5. It shall be the duty of the president of the board of health, together with the clerk or a majority of the board of health, to serve a notice in writing, signed by the president of the board of health, and attested by the clerk thereof, upon the owner, occupant or agent of any building or premises, in or upon which any nuisance may be found, or who may be the owner or cause of such nuisance, requiring them to abate the same in such manner as they shall in said notice direct.

§ 6. Whenever it shall appear to the board of health, that any person has been attacked with any contagious disease, said board shall have full power to cause said person to be removed immediately to some retired place; and said board shall take such measures as may be deemed advisable to prevent as far as possible the spread of contagion or infection, and cause the person afflicted to receive proper and humane attention.

§ 7. If any person in charge of any boat, vessel, railroad car, or any other conveyance, shall knowingly land or bring on shore at, or convey to the city of Joliet, or within five miles of the corporate limits thereof, any person infected with any contagious disease, or any goods or effects of any such person, without permission from the board, he shall forfeit and pay to the city of Joliet, not less than twenty-five dollars nor more than two hundred dollars.

§ 8. No person who is a resident, inhabitant, lodger or visitor in any house in the city of Joliet, in which any other person shall be sick or affected with smallpox or

varioid, shall after the time when such person shall become so sick or affected, depart from such house or building, or go upon the streets or alleys of the city, nor upon any adjacent lot, nor outside of said building and upon the lot on which said building is situated, without the written permission of the president or a majority of the board of health; and any person violating the provisions of this section shall be fined not less than ten dollars nor more than fifty dollars for the first offense, and for the second offense to be imprisoned not to exceed ten days.

§ 9. Any person who shall expose any clothing, or any article or thing used or kept within any house where any person shall be sick or affected with small pox or varioid in the city of Joliet, except under the order and direction of the board of health, shall be fined not less than five nor more than twenty-five dollars for every such offense.

§ 10. That the board of health shall have full power and authority to compel all boats, vessels and water craft, to perform quarantine for such length of time, not exceeding thirty days, as said board may determine, and in case the person in charge of any such water craft shall fail or refuse to comply with the order of the board of health, the president of said board shall have power to call to his assistance the power of the entire police force of the city, and remove said boat, vessel or water craft to a place to be designated by said board, and require the person in charge of such boat or vessel to thoroughly cleanse and fumigate said boat or vessel so removed.

§ 11. The board of health shall have full power and authority at all times, or any officer by them designated for that purpose, to enter into any boat, vessel or other water craft, for the purpose of examining the same, and

the person in charge of any such boat, vessel or other water craft, shall, at the time of the examination, make a true statement of the condition of all persons on board of same, from the time such boat or vessel or craft departed from the port or place whence she departed, up to the time of such examination, and for a failure to comply with the requirements of this section, such person shall forfeit and pay to the city of Joliet the sum of not less than twenty-five dollars nor more than two hundred dollars.

§ 12. The board of health or any member thereof, are hereby authorized and empowered in the day time to enter all houses and other places in this city, whenever in their judgment the public interest requires them so to do, and any person who shall interfere or prevent them or either of said board or any person by them lawfully authorized, shall forfeit and pay to the city of Joliet, not less than five nor more than two hundred dollars.

§ 13. That the board of health may take such measures as they from time to time deem proper to prevent the spread of the smallpox by issuing an order requiring all persons in the city, or any part thereof, requiring vaccination, to be vaccinated within such time as they shall prescribe, and all persons refusing or neglecting to obey such order, shall be liable to a fine of not less than five dollars nor more than twenty-five dollars, *Provided*, that it shall be the duty of the board to provide for the vaccination of such persons as are unable to pay for the same at the expense of the city.

§ 14. The said board of health shall make such rules and regulations for the government of a quarantine or health of the city as from time to time they may deem necessary, and it shall be the duty of all persons in quar-

antine and all officers or others employed by the city in and about said quarantine to carry out and obey the same.

§ 15. The board of health shall have full power and authority to remove and abate immediately, summarily, and without process of law, all nuisances of whatever description or character that may be found within the city of Joliet, or within five miles of the limits of said city of Joliet, and which said board of health deem injurious to the sanitary condition of the city, or likely to promote, cause, or induce pestilence in any part of said city.

§ 16. Whenever it shall come to the knowledge of the board of health, that any trade, manufactory, occupation or work, is kept, conducted, or carried on, or performed within said city, and that the same is likely to promote or cause disease, or endanger the health of the city, said board shall cause a written notice to be served on the person or persons carrying on or conducting the same, said notice to be given as provided for in Section 5 of this chapter requiring the person or persons operating or conducting the same, to discontinue said occupation or business within the time specified in said notice, and on failure of such person or persons to discontinue said business or occupation, within the time specified in said notice, they shall be fined in a sum not less than ten dollars nor more than two hundred dollars for every twelve hours said business is operated and conducted after the service of said notice, and the expiration of the time within which said business was ordered to be discontinued, shall constitute a separate offense, and the court before whom the conviction may be had, as a part of its judgment, may order the closing up of said manufactory or place, and enforce the same by proper process.

§ 17. No privy shall be cleaned, nor the contents there-

of removed until the same shall be thoroughly disinfected, and then not without a written permit from a member of the board of health, which permit shall state when and in what manner the contents of said privy shall be removed; and any person violating any of the provisions of this Section, shall be fined in a sum not less than ten, nor more than one hundred dollars.

§ 18. It shall be the duty of the board of health to cause all persons to be vaccinated or re-vaccinated in houses infected with small-pox; any person or persons in any house infected with smallpox refusing to be vaccinated or re-vaccinated, shall be subject to a fine of not less than ten dollars nor more than one hundred dollars.

§ 19. If any person shall sell or expose for sale in any market house in this city, or other place in said city, any emaciated, putrid or tainted meat or provisions, which for these or other causes the board of health may deem unwholesome, such person or persons shall be fined in a sum not less than ten nor more than two hundred dollars for each and every offense; and it shall be the duty of the board of health to cause such meat or provisions to be immediately seized or confiscated.

§ 20. It shall be unlawful for any person or persons to slaughter within the limits of this city, or five miles thereof, any animal that is maimed, bruised, afflicted with swellings, sores, or disease of any kind or nature. For a violation of any of the provisions of this Section the person violating the same shall be subject to a fine of not less than ten dollars nor more than two hundred dollars.

§ 21. It shall be unlawful for any dealer, his agent or servant, to transport any fish, veal, pork, mutton or meat of any kind through any street, alley, or public places

within the limits of the city of Joliet between the hours of five o'clock in the forenoon and nine o'clock in the afternoon of any day, without entirely covering the same with some material impervious to blood, which shall altogether conceal it from view. This chapter shall be construed to include retail dealers in the delivery of small quantities to their customers and others, and also to wholesale dealers and others, in the transportation of slaughtered animals or parts thereof, from the slaughter house to the markets and other places where the same are exposed for sale. Any person or persons who shall violate any of the provisions of this Section shall be subject to a fine of not less than five, nor more than one hundred dollars.

§ 22. It shall be unlawful for any person or persons engaged in gathering bones and grease from the markets or other places in the city, to transport, haul or carry the same through the streets, alleys or public places therein, without having the wagon, cart or vehicle, in which the same is so carried or hauled, tightly or securely covered to the satisfaction of the board of health, or some officer by them duly authorized. Nor shall any such cart, wagon or vehicle stand in or upon any street, alley or public place at any time longer than shall be sufficient to transact such business, and in any case not to exceed fifteen minutes at any one time. For a violation of any of the provisions of this section, the person violating the same shall be subject to a fine of not less than three nor more than fifty dollars.

§ 23. It shall be unlawful for any person or persons to sell or expose for sale within the city of Joliet, milk known as "skimmed milk," or milk produced by cows fed on unwholesome food, such as still or brewers' slop or malt, or from unhealthy cows, without at the time of such sale

stating the character of the milk, and any person violating the provisions of this section, shall be fined in any sum not exceeding twenty-five dollars.

§ 24. It shall be the duty of the board of health:

FIRST. To have and exercise a general supervision over the sanitary condition of the city, and to report at the meetings of said board all nuisances or other causes likely to be detrimental to the general health of the city.

SECOND. Upon the president or any member of the board of health being informed of the existence of any contagious disease, to inquire immediately into the facts, and report the same to the board.

THIRD. It shall be the duty of the president of the board of health to see that all orders of the board are obeyed by both officers and citizens.

§ 25. The board of health is hereby invested with, and shall have and exercise concurrent jurisdiction with the city council of the city of Joliet, with full power and authority to define and declare what shall be deemed nuisances, and to authorize the summary abatement thereof.

§ 26. All persons are hereby required to obey the orders, precepts, regulations and requirements of the board of health, and any person or persons failing, refusing or neglecting so to do, shall forfeit and pay to the city of Joliet a sum not exceeding one hundred dollars.

§ 27. Every person practicing physic within the city of Joliet who shall have a patient laboring under any pestilential or malignant disease shall forthwith make a report thereof in writing to the clerk of said board; and for neglecting so to do shall be considered guilty of a misdemeanor, and shall forfeit and pay to the city of Joliet a sum not exceeding one hundred dollars.

§ 28. Said board of health shall examine all accounts for expenses incurred by its authority, and such as are approved shall be certified by the president, and attested by the clerk thereof, and reported monthly at each regular meeting of the city council, who shall cause warrants to be drawn on the city treasurer for the amount due each person.

§ 29. Said board shall keep in proper books, full and correct accounts of all its expenses, together with a full and complete record of its proceedings.

§ 30. That it shall be unlawful for any person to keep any hogs penned up, or any place for rendering lard or any other fat, or keep any smoke-house within the following boundaries, that is to say, south of Benton street and north of Marion street, west of the Chicago, Alton & St. Louis railroad, and east of the Des Plaines river, any person violating this section shall be fined not less than ten dollars, nor more than one hundred dollars.

§ 31. In case of the absence of the president of the board of health, a quorum being present, the board shall elect one of their body chairman pro tem. the person so elected shall preside at such meeting, and have and exercise all the powers of the president of the board of health during such meeting.

CHAPTER XXV.

INTOXICATING LIQUORS.

- SEC. 1. Unlawful to sell intoxicating liquors without license.
 2. City Council authorized to grant licenses.
 3. No license to be granted to an intemperate man or gambler.
 4. All licenses granted shall name the person and place, where.
 5. Licenses shall be posted up in the room where liquors are sold.
 6. In certain cases Mayor to issue proclamation.
 7. Minors prohibited from frequenting tippling houses.
 8. Unlawful to permit playing of musical instruments, etc.

SECTION 1. That it shall not be lawful for any person in said city, excepting bottlers, brewers, distillers and regularly licensed dram shop keepers, to directly or indirectly sell or give away intoxicating liquors in any quantity whatsoever, and it shall be unlawful for any person in said city, excepting regularly licensed dram shop keepers, to sell intoxicating liquors in quantities less than one gallon. This chapter shall not apply to the sale of intoxicating liquor sold by druggists for medicinal purposes only.

Any person violating any of the provisions of this section, whether principal, agent, barkeeper, clerk or servant, shall on conviction forfeit and pay not less than twenty-five dollars nor more than one hundred dollars, or be imprisoned in the bridewell for a term not exceeding sixty days at hard labor, or both, as the court may order.

Regularly licensed dram shop keepers shall be deemed to be those persons who shall have procured a license in accordance with the provisions of this chapter.

§ 2. The city council is hereby authorized to grant licenses to keep dram shops, for the sale of spirituous, vinous, fermented and intoxicating liquors, to any person who shall apply therefor to the city council in writing, upon

such person executing to the city of Joliet a bond with at least two good securities, to be approved by the city council, in the penal sum of five hundred dollars, conditioned that the party so licensed shall faithfully observe and keep all ordinances heretofore passed, or to be passed, during the period of such license, and that he will not keep open his bar, or place for the sale of such liquors, nor sell, give away, or in any manner deal in by himself, servant, or any other person, any spirituous, vinous, or mixed, fermented or intoxicating liquors on Sunday, or on any general or municipal election day, and paying for such license for the use of said city at a rate that may be from time to time established per annum. On compliance with the foregoing requirements, a license shall be issued to the applicant, which shall authorize the person or persons therein named to sell, barter, give away and deliver wines and other liquors in the place designated in the application, *Provided*: That the city council shall not grant a license to any person or persons, in pursuance of this chapter, to keep a dramshop for the sale of spirituous, vinous, fermented or intoxicating liquors, of any kind, unless he, she or they shall first give a bond in the penal sum of three thousand dollars, payable to the people of the State of Illinois, with at least two good and sufficient sureties, freeholders of the county of Will, to be approved by the city council, conditioned that he or she or they will pay to all persons all damages that they may sustain, either in person or property, or means of support by reason of the person so obtaining a license, selling or giving away intoxicating liquors. The city council before approving such bond, shall cause to be examined under oath, any person offered as security upon such bond, and may require him or her to

subscribe and swear, to his or her statement in regard to his or her pecuniary liability to become such security.

§ 3. That no license to sell spirituous liquor within the city of Joliet shall hereafter be granted to any person who, from habits of intemperance or gambling, would be deemed incapable of keeping an orderly house, and the mayor may refuse to issue any license for the keeping of a dram shop, until the council shall have determined the fitness of the applicant, and whenever any dram shop shall be kept in any unruly and disorderly manner, it shall be deemed a nuisance, and the keeper thereof shall be deemed the author of such a nuisance, and, upon conviction, be fined in a sum not less than twenty-five dollars, and be subject to a revocation of his license in the discretion of the mayor of said city, and all payments made on said license shall be forfeited to said city of Joliet.

§ 4. All licenses granted under this chapter shall set forth the name of the person licensed, the place where said liquors are proposed to be sold, and the terms and conditions upon which said license is granted, as required to be set forth in the bond of the applicant, and such license shall not authorize such person to sell any of said liquors at any other or different time or place, nor upon any other terms and condition than such as are stated therein. That any person who may obtain a license, or who shall have heretofore obtained a license from said city to sell any of said liquors, or to keep a "dram shop," shall not be permitted, either by himself, herself or agent, to keep such house, shop, "dram shop," or place for the sale of said liquors open on Sunday, nor suffer any person to frequent the same on said days, or drink any of said liquors therein, whether they pay for the same or not; nor shall any such

house, shop, "dram shop" or place be kept open during the week days later than eleven o'clock, P. M., nor opened sooner than five o'clock, A. M., on any such day; nor shall any such licensed person, either by himself, herself, or agent, sell or give away any of said liquor to any minor under the age of 21 years, nor permit any minor in or about his premises, unless the same is employed as a clerk by such person; nor sell or give away, either by himself, herself or agent, any of said liquors to any person who is intoxicated, or to any person who is in the habit of getting intoxicated, or who is an habitual drunkard, or permit any person who is intoxicated, in or about such house, shop, "dram shop," or place; nor permit any gambling or riotous, disorderly, indecent or offensive conduct of any kind whatever, to be practiced in or about any premises occupied by him or them for the purpose of selling of any of said liquors, and any person convicted of any of the offenses enumerated in this section shall be fined for each offense not less than five dollars, nor more than one hundred dollars.

§ 5. All persons licensed under this chapter for the sale of said liquors shall immediately cause said license to be, and remain posted, upon some conspicuous part of the room, or place kept or used for the sale of said liquors; and any person so licensed, who shall not cause said license to be and remain posted as aforesaid; or who, not being so licensed, shall cause or permit any document or paper purporting to be a license, to be, or remain posted, as aforesaid, shall, on conviction, be fined in a sum not exceeding one hundred dollars, nor less than three dollars.

§ 6. In all cases where, in the opinion of the mayor or city council, the public peace is likely to be endangered

by the keeping open of licensed "dram shops," or houses for the sale of any of said liquors, it shall be lawful for the mayor to issue his proclamation, under the seal of the city, commanding and enjoining all persons licensed by said city to sell any of said liquors, and their servants and agents, to close their shops and places of business for such time as the mayor or city council shall deem necessary; and neither to sell, give away, or suffer to be drank, any of said liquors in or about their premises during the time mentioned in said proclamation; and if any person shall disobey said proclamation by keeping open his shop, "dram shop," or place of business, or by selling, giving away, or suffering to be drank, on or about his premises any of said liquors, he shall, upon conviction, forfeit and pay the sum of one hundred dollars, and the license of such party so convicted may be revoked by the mayor of said city.

§ 7. It shall be unlawful for any persons under the age of twenty-one years, to be in or about or to frequent any tippling house, billiard hall, bowling alley, or place where intoxicating liquors are sold, without first having the written consent of their parents or guardians, clearly specifying the place or places, and the time when such minor may go to or frequent or be in such tippling house, billiard hall, bowling alley, or place where intoxicating liquors are sold, or unless such minor be accompanied by such parent or guardian, and that for each violation of this chapter said minor shall be fined in any sum not exceeding twenty-five dollars, and for such a failure to pay such fine the person so convicted shall be committed to the bridewell.

§ 8. That it shall be unlawful for the keeper of any dram shop, saloon, barroom, room or cellar, kept for the sale of spirituous, vinous, malt or fermented liquors, to

play or permit to be played any musical instrument, or to sing, or permit to be sung, any song or other piece of music, or to permit dancing of any description in such "dram shop," saloon, barroom, room, or cellar, where such liquor is sold, or in any room, or anteroom, yard, place or premises adjoining; or run in connection with such "dram shop," saloon, barroom, room or cellar, and used by the patrons thereof as a sitting room, or place in which such liquor is drunk.

CHAPTER XXVI.

LICENSES.

- SEC. 1. Licenses.
 2. Not assignable.
 3. For what time granted, how issued.

SECTION 1. That all licenses which may be issued under any ordinance of the city council, shall be subject to the ordinances and regulations, which may be in force at the time of the issuing thereof, or which may be subsequently made by the city council; and if any person so licensed shall violate any of the provisions thereof, he shall be liable to be proceeded against, for any fine or penalty imposed thereby, and his license shall be subject to be revoked in the discretion of the mayor or city council.

§ 2. No license granted under any ordinance shall be assignable or transferable, without permission of the city council, to be granted by a majority of all the aldermen elected; nor shall any such license authorize any person to do business or act under it, but the person named therein, unless such ordinance shall otherwise provide.

§ 3. No license shall be granted for a longer period than one year, and all licenses shall be signed by the mayor, and countersigned by the city clerk, under the corporate seal. And in all cases where it is not otherwise expressly provided, the mayor shall have power to hear applications and grant license upon the terms specified by the ordinances of the city.

CHAPTER XXVII.

MARKETS.

- SEC. 1. Butchers subject to this chapter; license; amount paid for; proviso.
 2. Sale of fresh meat to be licensed; penalty.
 3. Sale of unwholesome meat prohibited; penalty.
 4. Meats to be weighed; penalty.
 5. Stalls to be kept neat; filth not to be deposited in streets.
 6. Duties of mayor and health officers.
 7. Butchers shall not slaughter cattle, etc., in city limits, unless by permit from council.
 8. Duties of mayor and health officers when combination exists to raise price of meat.
 9. When licenses expire.
 10. Word butcher defined.

SECTION 1. That the mayor thereof shall, from time to time, issue licenses under his hand and seal of the city, to as many and such persons as the city council shall direct, to exercise and carry on the business of butchers in such place as may be designated in such license, and not elsewhere, and shall be subject to the provisions of this chapter; *Provided*, however, that before the mayor shall issue a license as aforesaid, the person applying for the same shall pay into the city treasury a sum fixed by the council therefor; *Provided, further*, that any person licensed as a butcher as aforesaid, upon the payment of a further sum, fixed by the council, into the city treasury, shall be li-

censed to own and run a delivery wagon or cart for the accommodation of his customers, and also peddle meat through the city.

§ 2. No person shall, by himself, agent or servant, sell or cut in pieces, for the purpose of selling, any fresh meat, (excepting fresh venison, poultry, or wild game), in any quantity in the said city, without first having obtained a license as heretofore provided, nor at any other place than the aforesaid market house or stall, under a penalty of ten dollars for each offense; *Provided*, however, that nothing herein stated shall prohibit any person from selling beef or other fresh meat by the quarter, or any greater quantity at any time or place in the city, the same being the produce of their own farm or raising.

§ 3. If any person shall expose for sale in any market house, or elsewhere in said city, any emaciated, tainted, diseased or putrid meat or provisions, which from these or other causes, may become unwholesome, such person shall forfeit the penalty of five dollars for each offense, and the unwholesome meat or other provisions so exposed for sale shall, without delay, upon view of the mayor or health officers, be seized and destroyed.

§ 4. All meats sold at the market or licensed stalls, excepting shanks, heads, and plucks, poultry or wild game, shall be previously weighed in a scale by weights or a beam, that are correct, and in case any fraud shall be committed in the weight of any meat, and in case any meat, excepting as aforesaid, shall be sold without being weighed, as herein directed, the person selling the same shall forfeit the sum of five dollars for each offense.

§ 5. Every butcher or other person shall keep his market, market cellar, or stall in the city, neat and free from

filth of all kinds, and the mayor or health officers shall at all times have free access thereto, under the penalty of five dollars, to be paid by the butcher or other person who shall refuse or prevent such access. No butcher or other person shall sweep or deposit any dirt, or filth of any description in, or upon, the public passage way or ways, or streets adjacent to said markets respectively; any person violating the provisions hereof shall, upon conviction, be subject to a fine of not less than ten dollars, nor more than fifty dollars.

§ 6. It shall be the duty of the mayor and health officers on complaint being made to them, to examine the weights, and all articles in the market of which complaint shall be made, or suspected to be unwholesome, or blown, or stale, plaited, raised or stuffed meat, or measly pork, or flesh of animals dead by accident or disease, or known or suspected to be diseased at the killing of the same, and no person shall hinder, obstruct or molest any officer in the performance of the duties hereby enjoined, under a penalty of fifty dollars for each offense.

§ 7. No butcher shall slaughter, or cause to be slaughtered, or dress any cattle, calves, sheep or swine, within the limits of this city; or erect, construct, fit up or use any building for the purpose aforesaid, without a permit from the city council of said city, under a fine of not less than fifty dollars, nor more than one hundred dollars for every offense, and a like fine to the owner or occupant for every day such building may be used for any of the purposes above mentioned.

§ 8. It shall be the duty of the mayor and health officers when it shall come to their knowledge that any person or

persons so licensed are engaged in any combination to raise the price of meat, or who shall be guilty of forestalling thereon, to report the same to the city council at their next meeting; and if the same shall thus appear, the city council may, in their discretion, declare the license forfeited and revoke the same.

§ 9. All licenses so issued shall expire and cease on the first day of July after the granting thereof, unless sooner revoked by the city council, and shall be renewable by the said mayor, under the direction of the city council, on application.

§ 10. The word "butcher," in the sense used in this chapter, is hereby defined to mean a vendor of meats.

CHAPTER XXVIII.

MISDEMEANORS.

ARTICLE 1. OFFENSES AGAINST PUBLIC MORALS AND DECENCY.

- SEC 1. Penalty for being intoxicated.
2. Penalty for swimming and bathing.
3. Stud horses and bulls, penalty for exhibiting.
4. Houses of ill fame, penalty for keeping.
5. Indecent exposure, penalty for.
6. Animals, penalty for beating, etc.
7. Gaming prohibited.
8. Construction of this chapter.
9. Disorderly and gaming houses.
10. Gaming, penalty for gambling.
11. Disorderly houses, officers may enter.
12. Inmates prostitution or gaming houses.
13. Keepers of gaming rooms not to allow young persons therein.
14. Bitches, penalty for running at large.
15. Unlawful to receive from minors.

SECTION 1. That if any person shall be found in a state of intoxication in any highway, thoroughfare, or other public place in this city, or shall solicit alms from any person,

without written permission from the mayor, he shall be subject to commitment for examination, and fined in a sum not exceeding twenty-five dollars.

§ 2. No person shall swim or bathe in the river, canal, or creeks, within the city limits, between sunrise and one hour after sunset; nor elsewhere in said city, between the hours aforesaid, to the annoyance of any family. Any violation hereof shall subject the offender to a fine of not less than two dollars, and not exceeding twenty dollars.

§ 3. No person or persons shall indecently exhibit any stud horse, jack or bull, or let such horse or jack to any mare, mares or jennie, or any bull to any cow or cows, within the limits of the city, unless in some inclosed place out of public view, under a penalty of not less than five, nor more than one hundred dollars for each offense.

§ 4. If any person shall be guilty of keeping or maintaining, or shall be an inmate of, or in any way connected with, or in anyway contribute to the support of any disorderly house, or house of ill-fame, or place for the practice of fornication; knowingly own, or be interested as proprietor or landlord of any such house shall, on conviction, be fined in a sum not exceeding one hundred dollars, and in the further sum of one hundred dollars for every twenty-four hours the said house shall be continued after the first conviction, or after any such person shall be ordered by any member of the city council, the chief of police or any policeman, or any fireman, to suppress, restrain or discontinue the same.

§ 5. If any person shall appear in a public place in a state of nudity, or dress not belonging to his or her sex, or in an indecent or lewd dress; or shall make any indecent exposure of his or her person, or be guilty of any lewd or

indecent act or behavior, or shall use any insulting or obscene language, or shall exhibit, sell or offer to sell, any indecent or lewd book, picture, or other thing, or shall exhibit or perform any indecent, immoral or lewd play, or representation, he shall be subject to a fine of not less than three dollars, nor exceeding one hundred dollars.

§ 6. Whoever shall be guilty of cruelty to any animal in any of the ways mentioned in this section, shall be subject to a fine of not less than five dollars and not to exceed twenty-five dollars for each offense, viz:

FIRST. By over-loading, over-driving, over-working, cruelly beating, torturing, tormenting, mutilating, or cruelly killing any animal, or causing or knowingly allowing the same to be done.

SECOND. By cruelly working any old, maimed, infirm, sick or disabled animal which is in unfit condition for work, or causing or knowingly allowing the same to be done.

THIRD. By unnecessarily failing to provide any animal in his charge or custody as owner or otherwise, with proper food, drink and shelter, and in case of a conviction under this paragraph the court may, in addition to the fine, assess a reasonable charge against the defendant for food, care and shelter of said animal, to be paid to the person providing said food, drink, shelter and care.

FOURTH. By conveying or driving or keeping, or causing to be carried or driven or kept, any animal in an unnecessarily cruel manner.

§ 7. It shall be unlawful for any person or persons to keep, have, or permit to be used in any building or place within the limits of this city, and occupied or controlled by such persons, any E. O. table, faro bank, shuffle board,

bagatelle, playing cards, or any other instrument, device or thing used for gambling, wherein, or with which money, liquor, or other articles shall in any manner be played for.

§ 8. This chapter shall be understood to apply, in a special manner, to any device for gambling, or playing any games of chance, when money, or anything else shall be played for, on any street, or other place in doors, or out, any building or tent, near or anywhere about any canvass or tent erected for the purpose of exhibiting any circus, show, caravan of animals, or any other public exhibition, which shall be calculated to attract a crowd of people; and if any person or persons shall be convicted of violating either sections seven or eight of this chapter, he or they shall be subject to a fine of not exceeding fifty dollars for each and every offense, and that all devices above described shall be destroyed by the chief of police.

§ 9. If any person or persons shall keep a disorderly or gaming house, such person or persons shall, for each and every offense, forfeit and pay a penalty of twenty-five dollars for every forty-eight hours during which such person or persons shall continue to keep the same after the first conviction of any violation of this section.

§ 10. If any person or persons shall play at cards, or at any game, or with any instrument or thing used for gambling, within said city, wherein, or with which money, liquor, or any article of value shall be played for, each and every person shall, upon conviction, be fined in any sum not exceeding one hundred dollars and not less than ten dollars.

§ 11. If the owner or keeper of, or any person within any gambling house, or room, any disorderly house, or any house of ill-fame, within this city, shall refuse to permit

the mayor, any alderman, the chief of police, or any policeman to enter the same, it shall be lawful for the mayor, or any alderman to enter, or cause the same to be entered by force, by breaking the doors or otherwise, and to arrest, with or without warrant, all suspicious persons found therein; any person obstructing or resisting the mayor, aldermen, chief of police, or any policeman in the performance of any act authorized by this section, shall be fined in a sum not exceeding one hundred dollars.

§ 12. That it shall be unlawful for any person to visit houses of prostitution or gaming houses or places wherein games are played for money or other valuable thing, whether such person shall play at any game himself or be a mere looker on, knowing or having reason to know the place to be a house of prostitution or a gambling house, and any person found in any such house or place shall upon conviction, be fined not less than five dollars, nor more than fifty dollars.

§ 13. Any person who shall keep a billiard room, or ball alley, or room for any other gaming device, open to the public, within the city of Joliet, and shall entice or suffer any minor or person under the age of twenty-one years, to play at any game of chance, shall be fined fifty dollars and costs for such offense. Nothing herein contained shall be construed as authorizing any such room to be kept open for the purpose of permitting persons of adult age to play at any games as above mentioned.

§ 14. If any bitch shall be found running at large while in heat, the owner thereof shall be subject to a fine of not less than one dollar, nor exceeding ten dollars.

§ 15. It shall not be lawful for any person to purchase or receive from minors, without the written consent of

their parents or guardians, any article or property whatever, and any person violating this section shall forfeit and pay not less than ten nor more than one hundred dollars for every offense.

ARTICLE II. OFFENSES AFFECTING THE PUBLIC SAFETY.

- SEC 1. Penalty for renting buildings for houses of ill-fame.
2. Fire arms not to be used in the city.
3. Fast driving prohibited.
4. Poison not to be sold unless labeled.
5. Scaffolds to be properly erected.
6. Kites, penalty for flying in streets, etc.
7. Stones, penalty for throwing.
8. Horses to be hitched.
9. Draymen, etc., to fasten wheel with chain.
10. Horses, penalty for frightening.
11. Breaking or obstructing public lamps, penalty.
12. Persons meeting in vehicles to turn to the right.
13. Cellar doors to be kept closed.
14. Obstructions in slough drain.
15. Unlawful to wash buggies, etc., at public wells, penalty.
16. Where omnibuses prohibited from stopping.
17. Stand for drays and other vehicles.
18. Unlawful to mar or injure fences, posts, etc.

SECTION 1. That if any person, being the owner of, or agent for any building situated in the city of Joliet, shall let or lease any such building in whole or in part, to any person or persons, to be used or occupied as a house of ill-fame, or place for the practice of fornication, or shall let or rent any such building to any person or persons while knowing or suspecting at the time of such letting or renting, that said building would be used as a house of ill-fame or place for the practice of fornication, or shall permit any person or persons to occupy such building, knowing or suspecting that such building is, or will be used by such person or persons as a house of ill-fame, or place for the practice of fornication, shall, on conviction, be fined in a

sum not less than five dollars, nor more than one hundred dollars.

§ 2. That no person shall fire or discharge any common gun, fowling piece, pistol or fire arms of any description, or fire, explode, or set off any squib, cracker, or other thing containing powder, or other combustible or explosive material within the limits of the city, without permission from the city council, or written permission from the mayor, which permission shall limit the time of such firing, and shall be subject to be revoked by the mayor or city council at any time after it has been granted. Any violation hereof shall subject the party offending to a fine of not less than two dollars nor exceeding ten dollars.

§ 3. No person shall immoderately ride or drive any horse in any avenue, street alley or lane within the limits of the city, under a penalty of not less than two dollars, nor more than ten dollars, and it is hereby made the duty of every officer, and it shall be lawful for any citizen to stop any person who may be immoderately riding or driving as aforesaid.

§ 4. No person shall vend, give or deliver within this city, any deadly poison, knowing the same to be such, without marking the same in legible characters "poison," under a penalty of five dollars for each offense.

§ 5. All scaffolds erected in this city for use in the erection of buildings of stone, brick or other materials, shall be well and safely supported, and of sufficient width and properly secured, so as to insure the safety of persons walking thereon, or passing under or by the same, against the falling thereof, or of such materials as may be used, placed or deposited thereon. Any scaffold which may be otherwise erected, shall be deemed a nuisance. And any

person who shall erect, use or cause to be erected or used, any scaffold contrary to the provisions hereof, shall be subject to a fine of not less than five dollars and not exceeding one hundred dollars, and to a like fine for every day the same shall remain after notice to remove.

§ 6. No person shall raise or fly a kite in any part of any street, avenue or lane of this city, devoted to business, or in which there may be much transacting, under a penalty of one dollar for each offense.

§ 7. No person shall throw or cast any stone or any other missile upon or at any building, tree, or any other public or private property, or upon or at any person or persons in any street, avenue, alley, public place or in any inclosed or uninclosed ground in this city, or aid or abet in the same, under a fine for each offense, of not less than five dollars nor more than twenty-five dollars.

§ 8. No person shall leave any horse, horses or other animals attached to any carriage, wagon, cart, sleigh, sled or other vehicle, in any of the streets, avenues, alleys or lanes of this city, without securely fastening such horse, horses or other animals, under a penalty for each offense, of not less than two dollars nor more than ten dollars.

§ 9. Every truckman, drayman or cartman shall have a strong chain attached to the body of his truck, dray or cart, which shall be made fast to one of the wheels whenever the horse in such truck, dray or cart shall be left standing alone, in any of the streets, avenues, alleys or lanes of this city, under a penalty of two dollars for each offense.

§ 10. Any person who shall use any sport or exercise likely to scare horses, injure passengers or embarrass the

passage of vehicles, shall be subject to a fine not exceeding ten dollars.

§ 11. Any person breaking, mutilating or obstructing any of the public lamps, or who shall break, misplace or carry away any of the street signs now or hereafter to be placed on any of the public lamps in the city of Joliet, shall be liable to a fine of five dollars.

§ 12. In all cases of persons meeting each other in vehicles, in any highway or thoroughfare or upon or near any bridge, each person so meeting, shall in all cases turn off and go to the right side; whoever shall violate this section shall be subject to a fine of not less than two dollars nor exceeding fifty dollars; he shall likewise be subject to the payment of all damages which may arise from collision, unless he shall be able to prove that the collision was wholly owing to the fault or misconduct of the other party.

§ 13. Any person who shall keep or leave open any cellar door, or trap door, or the grating of any vault on any highway or sidewalk, or suffer the same to be left or kept open; or whoever shall make, keep or maintain any uncovered opening in any sidewalk or passageway, or who shall suffer any sidewalk in front of his premises to become or continue so broken as to endanger life or limb, shall be deemed guilty of a nuisance and subject to a fine of not less than five dollars in every case.

§ 14. If any person or persons shall place any obstruction or deposit any dirt, straw, filth, old lumber or any article or thing whatever in the drain running through the city of Joliet on the east side of the Des Plaines river, and commonly known as the slough drain, he, she or they, so

offending shall be liable to a fine of not less than five dollars nor more than twenty-five dollars for each offense.

§ 15. That it shall be unlawful for any person to wash buggies, carriages or vehicles of any description, whatever, or to wash animals of any kind, at any of the public wells, hydrants, or watering troughs in the city of Joliet; any person or persons violating the provisions of this section shall, upon conviction thereof, forfeit and pay a fine of not less than five dollars, nor more than twenty-five dollars for each offense.

§ 16. It shall be unlawful for omnibus and hack drivers to stop their vehicles on Jefferson street at the Chicago and Alton railroad depot at any time. Any person or persons violating the provisions of this section shall be fined in a sum not exceeding five dollars for each and every offense.

§ 17. It shall be unlawful for any owner or driver of any dray, truck, baggage, express, or other vehicle, to allow the same, owned or driven by them, to stand while waiting for customers, on any street or alley, within the limits of the city, except upon the east side of Ottawa street, and between Jefferson and Washington streets, and except two hundred feet north side of Washington street, east of Collins street; and for any violation of this section the party so offending, shall, on conviction, be liable to a fine of not less than five nor more than twenty-five dollars.

§ 18. No person shall wantonly mar, injure, deface or destroy any fence, guide post, sign board or awning in any street or public place in the city, under a penalty of not less than five dollars for each offense.

ARTICLE III. OFFENSES EFFECTING THE PUBLIC PEACE.

- SEC 1. All cases of assault.
- 2 Disturbance of the peace by various means.
 - 3 Disorderly conduct, fighting, etc.
 - 4 Penalty for urging dogs to fight.
 - 5 Religious worship, penalty for disturbing.
 - 6 Ringing of bells, etc., penalty for.
 - 7 Disorderly houses, etc., penalty for keeping.
 - 8 Obstructing street corner or public places, penalty.
 - 9 Interfering with fire or police alarm, penalty.
 - 10 Unlawful to have in possession burglar nippers, etc.
 - 11 Police, special duty of, power to arrest on the Sabbath.

SECTION 1. That in all cases of assault, and assault and battery that shall be committed within the limits of the city of Joliet, may be brought before the police magistrate of the city, and on conviction thereof, the person guilty may be fined not less than three dollars, or more than one hundred dollars, in the discretion of the court having jurisdiction.

§ 2. That it shall not be lawful for any person or persons within the city of Joliet to disturb the peace of any street, lane, avenue, alley, neighborhood, family or persons by loud or unusual noises, or by blowing of trumpets, horns, or other instruments, or by beating of drums, tambourines, kettles, pans, or other sounding vessels or implements, or by loud or boisterous laughing, or by singing, bellowing, whooping, screaming, hallooing, scolding, traducing, threatening, quarrelling, swearing, cursing, challenging to fight, uttering obscene language or conversation, or by creating false alarms, as by crying "fire," or "watch," nor shall any person or persons disturb the peace as aforesaid by any other device or means whatever; and every person convicted of any of the offenses enumerated in this section, shall forfeit and pay a sum not less than five dol-

lars, nor more than one hundred dollars for every offense. And any person who shall make, aid, countenance or assist in making any riot, disturbance, breach of peace, or diversion in the streets, or elsewhere within said city; and all persons who shall collect in crowds for an unlawful purpose, or for any purpose to the annoyance or disturbance of citizens or travelers, shall be severally subject to a fine of not less than five dollars, nor more than twenty-five dollars.

§ 3. It shall not be lawful for any person or persons within said city to conduct himself or themselves in a tumultuous, riotous, indecent, disorderly or offensive manner; nor shall it be lawful for any person or persons within said city to fight by agreement or mutual consent, nor to strike, fight or assault any other person or persons, nor to commit an assault and battery upon the person of another; nor shall it be lawful for any person to aid, or abet, or assist, or encourage any person to fight, or to commit an assault or assault and battery upon the person of another; and every person convicted of any of the offenses enumerated in this section shall forfeit and pay a sum of not less than three, nor more than one hundred dollars for every offense.

§ 4. If any person shall be present at any dog fight, when the animals meet accidentally, and shall, by any gesture or words of encouragement, urge the dogs to fight; or if any persons or persons shall, by agreement, set dogs to fighting within the limits of this city, or shall encourage them after they have commenced fighting, he or they shall be deemed guilty of a misdemeanor, and upon conviction thereof shall forfeit and pay a sum of not less than two dollars, nor more than one hundred, for every offense; and

it is hereby made the duty of the mayor, chief of police, and all police officers, to suppress all such dog fights, and to arrest and prosecute all persons, engaged in urging the said dogs to fight, or in any manner encouraging them to fight, within the meaning of this section.

§ 5. Any person who shall disquiet or disturb any congregation or assembly met for religious worship, by making a noise, or by rude and indecent behavior, or profane discourse within their place of worship, or so near the same as to disturb the order and solemnity of the meeting, shall be subject to a fine of not exceeding fifty dollars.

§ 6. Any person who shall employ any bellman, or cause to be used, any bell or bugle, or other sounding instrument, or who shall employ any device, noise or performance tending in either case to the collection of persons on the streets, sidewalks, or other public places to the obstruction of the same, for any purpose whatever, without permission from the mayor in writing, shall be subject to a fine not exceeding twenty-five dollars.

§ 7. Any grocer, dram shop keeper, inn keeper, or other person who shall keep any common, ill-governed or disorderly house, or shall suffer any person to play at cards or other games of chance, in any public sitting room on his premises, with or without betting, shall be subject to be fined in a sum not exceeding fifty dollars, nor less than ten dollars, and if licensed, shall be subject, on conviction to a forfeiture of his license, to be entered in every case as a part of the judgment.

§ 8. No person shall obstruct or encumber any street corner, or other public place of the city by lounging in or about the same; and after being requested to move on by

any police officer, the person so offending shall be subject to the penalty of not less than two dollars for each offense.

§ 9. It shall be unlawful for any person, other than such as are employed in the city fire or police departments, to open, meddle with, derange, or in any manner interfere with any signal box or police or fire alarm telegraph wire, or to turn in any alarm thereon, except in cases of fire or other emergency requiring the presence of the fire department or police officers. Any person found guilty of any of the offenses herein mentioned shall be fined in a sum not less than ten dollars for each offense.

§ 10. It shall be unlawful for any person to have in his possession any nippers of the description known as burglar's nippers, pick lock, skeleton key, key to be used with a bit or bits, jimmy, or other burglar's instrument or tool of whatsoever kind or description, unless it be shown that such possession is innocent or for a lawful purpose, under the penalty of not less than twenty dollars, or imprisonment in the bridewell for not less than one month, or both.

§ 11. It is hereby made the special duty of the chief of police, aldermen and policemen of the city, upon their own view of the commission of any of the offenses contained in this chapter, on the Sabbath day, to arrest, with or without process, any person engaged therein, and to commit them to the bridewell, there to remain in close custody until the following day, when such officer shall present his complaint of such offense to the police magistrate or any justice of the peace in the city, who shall then proceed to try said prisoner or prisoners in accordance with the provisions of the ordinances of said city.

ARTICLE IV. OFFENSES EFFECTING STREETS AND PUBLIC PROPERTY.

- SEC. 1. Drains, etc., penalty for digging.
 2. Stone and gravel not be removed without permission.
 3. Sidewalks not to be injured; penalty of.
 4. Animals not to be fastened to fences, trees, etc.
 5. Bridges, engine, houses, etc., penalty for injuring, etc.
 6. Bond required.

SECTION 1. No person shall dig any hole, drain or ditch in any street, alley or sidewalk in this city, without having first obtained a written permission from the mayor or the superintendent of streets, under a penalty of twenty dollars for each offense, and a like penalty for every day the same may remain unfilled.

§ 2. Any person who shall, without having first obtained a written permission from the superintendent of streets, or alderman of the ward in which the same may be, dig, remove or carry away, or cause or procure the same to be done, any sod, stone, earth, sand or gravel from any street, alley or public ground in this city, shall be subject to a fine not exceeding fifty dollars, nor less than ten dollars for each offense, and every load or parcel removed shall be deemed a separate offense.

§ 3. Any person who shall injure or tear up any pavement, side or cross walk, drain or sewer, or any part thereof, or who shall dig any hole, ditch or drain in any street, pavement or sidewalk, without due authority, or who shall hinder or obstruct the making or repairing any pavement, cross or sidewalk which is or may be making under any ordinance or resolution of the city council, or who shall hinder or obstruct any person employed by the city council or superintendent of streets, or the person

employed by him in making or repairing any public improvement, or work ordered by the city council shall, for every offense, be subject to a fine of not less than ten dollars nor more than fifty dollars.

§ 4. Any person who shall hitch or fasten any horse or other animal to any fence, railing, ornamental or shade tree, or to any lamp post, or who shall injure or destroy any ornamental or shade tree, shrub lamp, post, fence, railing, in or upon any public ground, street, alley or other public place, or upon any private premises, shall in every case be subject to a fine of not less than five dollars, nor exceeding one hundred dollars.

§ 5. Any person who shall injure or destroy, or assist in injuring or destroying any bridge or its appurtenances, or any fire engine house, or any other public building or property belonging to the city, shall be subject to a fine, not exceeding five hundred dollars, and to the payment of all damages.

§ 6. That no person shall receive the permission provided in this chapter to dig any hole, drain or ditch in any street, alley or sidewalk, or encumber or obstruct any street, alley or sidewalk in any manner whatever, without first filing with the city clerk a good and sufficient bond, to be approved by the mayor and city clerk, conditioned for the payment of all damages to persons and property that may be sustained in consequence of the granting of such permission, and it is made the duty of the superintendent of streets to see that this section is strictly enforced.

ARTICLE V. IMPRISONMENT.

SEC. 1. Magistrates may imprison.

SECTION 1. That all cases arising under this chapter, punishable as misdemeanors, by the laws of this state, the court or magistrate before whom conviction may be had, shall have power, in addition to the penalty, of causing the offender to be imprisoned for a period not exceeding six months, in their discretion.

CHAPTER XXIX.

NUISANCES.

SEC. 1. Nuisances defined.

2. What shall be deemed a nuisance; penalty.
3. Cellars, drains, etc., to be closed.
4. Distilleries, etc., not to allow nuisances.
5. Nuisances, penalty for allowing on grounds.
6. Soap boilers, penalty for keeping on premises.
7. Tanneries, etc.
8. Dead animals on river bank to be removed.
9. Must not deposit filth, offal, etc., in the city.
10. Must not discharge offensive substance in the river, etc.
11. Not place dead animals in the city.
12. Owners of dead animals to remove the same.
13. Health officers, duty of.
- Owners to be assessed for abatement of nuisances.
14. Charges for removing nuisances, how collected.
15. Nuisances to be removed by health officers, etc.
16. Penalty for refusing to obey orders.
17. Jurisdiction in offenses known to the common law as nuisances.

SECTION 1. That any pen, place or premises in or upon any grounds, in which more than ten hogs, shoats and pigs shall be confined or kept at any one time. 2nd. Any pen, place or premises in which a less number of hogs, shoats and pigs than ten, shall be so kept as to be offensive or annoying to any person. 3d. And any hand-bill or play card of any description which shall be stuck or posted on

any public or private house, store or other building, or upon any fence or other premises, without permission of the owner or occupant of the same, are hereby severally defined and declared to be nuisances.

§ 2. Any person who shall own, or keep, or use any pen or pens, place or premises, or shall post or stick any hand-bill or play card contrary, in either case, to the foregoing provision, shall be deemed the author of a nuisance, and on conviction, shall be subject to a fine of not less than three dollars, and not exceeding twenty-five dollars in each case, and to a like fine for every day he shall fail or refuse to abate such nuisance, when notified by an officer to abate the same.

§ 3. If any person shall suffer or permit any cellar, vault, private drain, pool, privy, sewer or grounds, upon any premises belonging to, or occupied by him, to become nauseous, foul, offensive or injurious to the public health, he shall be subject to a fine of not less than five dollars, and not exceeding fifty dollars in every case, and to a like fine for every day the same shall continue, after notice to remove and abate such nuisance.

§ 4. Any distiller, tanner, brewer, soap boiler, tallow chandler, dyer, livery stable keeper, or other person who shall himself or by another, discharge out of, or permit to blow from any still house, work shop, manufactory, livery stable or other house, any foul or nauseous liquor, or substance of any kind whatever, into or upon any adjacent ground or lot, or into any street, alley, or other public place, shall be subject to a fine of not less than ten dollars, and not exceeding fifty dollars for every offense.

§ 5. If any person shall own, occupy or keep any grounds or other premises in such condition as to be offen-

sive and a nuisance to the neighborhood, or to any person or family, he shall be subject to a fine of not less than ten dollars, and not exceeding fifty dollars, and to a like fine for every day such nuisance shall continue after notice to abate the same.

§ 6. Any soap boiler, tallow chandler, or other person, who shall keep, collect, or cause to be kept or used, any stale or stinking fat, grease or other matter, or any tanner, skinner or other person who shall bring to, or keep for a period of twenty-four hours, in any part of the city, except when the same are to be manufactured, any undressed or uncured hides, skins, or leather, or blubber, shall be subject to a penalty of five dollars for each offense.

§ 7. Any factory, building, or structure of any kind, or tallow chandler's shop, soap factory, tannery, distillery, livery stable, cattle yard or shed, barn, packing house, or rendering establishment, which shall become nauseous, foul or offensive, is hereby declared a nuisance, and the person or persons owning, keeping or maintaining any such factory, shop, yard, house, building or structure aforesaid, shall be fined in a sum not less than ten dollars and not exceeding one hundred dollars for each offense.

§ 8. If any person shall allow or suffer any horse or other animal belonging to him, or in his charge, which may come to its death by drowning or otherwise, to lie upon the banks of the river or canal in the city, or in, or upon any street or alley or other ground or place, public or private, he shall be subject to a fine of not less than five dollars, and not exceeding ten dollars in every case.

§ 9. It shall not be lawful for any person to throw or deposit, or cause to be thrown or deposited at any place in said city, any vegetables, meat, slops or other offal or filth

which, by putrefaction or decomposition, will produce an offensive smell, or whereby the health of any portion of the community may be affected or endangered: and every person violating the provisions of this section shall forfeit and pay not less than two dollars, nor more than fifty dollars for each and every offense.

§ 10. Any person who shall discharge, or cause to be discharged into the Desplaines river, or Hickory or Spring creeks, within the limits of said city, any dead animal or animals, offensive substance or thing which may or shall produce an offensive or nauseous smell, or which might affect the purity of the water, or endanger the health of any portion of the citizens, shall be deemed guilty of creating a nuisance; and every person so offending shall, on conviction, forfeit and pay not less than two dollars, and not more than fifty dollars for every offense. And it shall be the duty of the chief of police or superintendent of streets to cause any such animal or animals to be removed immediately if practicable, and charge the expense thereof to the offender or offenders, and sue for and collect the same by action of debt, in the name of the city of Joliet.

§ 11. No person shall place or deposit, or cause to be placed or deposited, at any place in said city, any dead horse, cow, hog, dog, or the carcass or remains of any animal whatever; and every person violating the provisions of this section shall forfeit and pay not less than two dollars, nor more than one hundred dollars for every offense, and all expenses of removing and burying the same, which shall be taxed and collected as costs against such person.

§ 12. When any dead animal shall be found in said city it shall be duty of the person owning such animal at the time of its death, or of the person who deposited or caused

the same to be deposited, to remove said animal forthwith, beyond the limits of the city, and bury the same at least two feet below the surface of the earth, and if the owner of such animal, or the person who deposited it, on being notified thereof, either verbally or in writing, by the chief of police, superintendent of streets, or any policeman or other person, shall, after a reasonable time, refuse and neglect to remove and bury the same as herein required, he shall be fined in a sum not less than two dollars nor more than twenty-five dollars for every offense; and shall also pay the expense of removing and burying the same, which shall be taxed and collected as costs against such person.

§ 13. For the purpose of carrying the foregoing provisions into effect, it shall be the duty of the health officers, superintendent of streets, chief of police, and such other officer as may be directed or deputed by the mayor, or board of health, or city council, from time to time, to ascertain and cause all nuisances arising under this chapter to be abated. In all cases when a nuisance shall be found in any building, or upon any grounds or other premises, which can be charged by assessment with the expenses of removal, notice shall be given to the owner or occupant of such building or other premises as aforesaid, when known and can be found, to remove such nuisance; and in case of his refusal or neglect to comply with such notice, the officers shall abate the same and report the expenses thereof to the city council.

§ 14. In all cases arising under this chapter, or any ordinance, where the expense of removing any nuisance cannot be made chargeable to any real estate by assessment, notice may be given to the author of such nuisance when known, to abate the same, in the manner required by the

foregoing section; and in case of his neglect or refusal to abate the same in accordance with such notice, he shall be chargeable with the expenses which may be incurred by the officer in the removal thereof, to be collected by suit or otherwise, in addition to the fine or penalty.

§ 15. Whenever any nuisance whatever, shall be found on any premises, or elsewhere within the city, contrary to any ordinance, the mayor and board of health, or health officers, are hereby respectively authorized, in their discretion, to cause the same to be summarily abated in such manner as they may direct.

§ 16. If any person or persons shall neglect or refuse to obey any order or decision of the board of health, or any order of the mayor or health officers, requiring such person or persons to clean up his or their premises, or to remove any nuisance, he, she, or they shall be liable to a fine not exceeding one hundred dollars for each offense.

§ 17. In all cases where no provision is herein made defining what are nuisances and how the same may be removed, abated or prevented in addition to what may be declared such herein, those offenses which are known to the common law of the land and the statutes of Illinois as nuisances, may, in case the same exist within the city limits, or within one mile thereof, be treated as such, and proceeded against as is in this chapter provided, or in accordance with any other law which shall give the officer trying the same, jurisdiction.

CHAPTER XXX.

OFFICERS.

SEC. 1. The Mayor shall appoint and the council confirm.

2. Officers to give bonds.

SECTION 1. That the mayor by and with the consent of

the city council, shall appoint on the first regular meeting in may of each year:

One chief of police, one captain of police, a bridewell keeper, and as many regular policemen as the city council may determine.

One fire marshal.

A city collector.

A corporation counsel.

A city surveyor.

A city superintendent of streets, an oil inspector, a sealer of weights and measures, and a board of health, who shall hold their respective offices for one year, and until their successors are appointed and qualified, unless removed by the mayor and city council, and shall perform such duties as may be prescribed by the city council. The term of office of such officers to commence at the time provided by ordinance.

§ 2. Every officer of said city, except aldermen, shall, before entering upon the duties of his office, give bond to the city of Joliet in such sum as the city council may designate, or as may be specially provided by ordinance, with two or more good and sufficient securities, residents of this city, to be approved by the city council; which bond, when not otherwise provided by law or ordinance, shall be conditioned for the prompt and faithful performance by such officer of all acts and duties required of him as such officer by any law of the State of Illinois or ordinance of the city of Joliet, then in force, or that may be subsequently passed, and for the prompt accounting for, and payment to the city or its proper officers of, all moneys that may come into his hands by virtue of his office.

CHAPTER XXXI.

OIL.

- SEC. 1. Unlawful to keep certain quantity for sale or storage.
2. How oil may be kept by dealers.
3. Penalty for violation.

SECTION 1. It shall be unlawful for any person, persons or corporation to store or keep for sale within the corporate limits of the city of Joliet, any coal oil, naptha, gasoline, benzine or any other mineral oil or fluid the product of petroleum, exceeding a quantity of five barrels of fifty gallons each. And it shall be unlawful to keep for sale or storage any of said oils or fluids excepting such as will stand a fire test of 150 degrees Fahrenheit, according to the inspection provided for in the ordinances of the city; and it shall not be lawful to keep any quantity of said oils or fluids exceeding one barrel of fifty gallons in each part of a building excepting in a cellar the walls of which are of stone or brick and the floor at least five feet below the grade of the adjacent streets; and no such oil or fluid shall be kept or stored in front of any building, or on any street, alley, wharf, lot or sidewalk, for a longer time than is sufficient to receive in store, or in delivering the same, and such time shall in no case exceed six hours.

§ 2. Any person, persons or corporation having within the city a fire proof warehouse, detached and clear of other buildings, and at least fifty feet distant, and exclusively used for the storage of such oils and fluids as mentioned in this chapter and properly ventilated for that purpose, having beneath its ground floor an open space or cellar, three feet in depth below the surface of the adjacent

ground, on procuring the approval in writing of the fire marshal, may apply to the city council for a permit to use said warehouse exclusively for said purpose; and if the city council, with the consent of the mayor, shall grant such permit then while the same shall remain in force the parties using such warehouse shall not be subject to the provisions of the foregoing section.

§ 3. Any person or persons who shall violate any of the provisions of this chapter, or any manufacturer, refiner or dealer in any of said oils or fluids who shall neglect to give notice to the oil inspector of this city, of any such oil or fluid in his possession, not already inspected by some authorized inspector of this state, within two days after the same is made, refined or received by him, or shall offer any such oil or fluid for sale before the same has been inspected, or who shall attempt to sell to any person, for illuminating purposes, any such oil which is below the standard test, as mentioned in Section One of this chapter, or shall use any package, cask, barrel or other thing having the inspector's brand thereon, the oil or fluid therein not having been inspected, or shall counterfeit any brand, shall be fined in any sum not less than twenty-five dollars nor more than one hundred dollars for each offense.

CHAPTER XXXII.
OIL INSPECTOR.

- SEC. 1. How appointed.
2. Bond to be given.
3. Duties of.
4. Oils, how tested.
5. Record to be kept.
6. False brands, penalty.
7. Fees of inspector.

SECTION 1. That the mayor, by and with the consent and advice of the city council and on petition of any five inhabitants of said city, shall appoint one or more inspectors for the inspection of coal oil, naphtha, gasoline, benzine and other mineral oils or fluids, the product of petroleum. The compensation of said inspector or inspectors to be paid by the party requiring their services, at the rates hereinafter provided. Every such inspector shall hold his office for one year, and until his successor is qualified, unless sooner removed from office. Such inspector or inspectors may appoint deputies for whom he shall be responsible, and who shall take the same oath, and be liable to the same penalties as the inspector.

§ 2. Every such inspector before entering upon the duties of his office shall take and subscribe the oath of office provided by law, and he shall also execute bond to the people of the state of Illinois in the penal sum of \$500, with one or more good sureties to be approved by the mayor of said city, conditioned for the faithful discharge of the duties of his office. Any person aggrieved by the misconduct or neglect of such inspector may maintain suit therein for his own use.

§ 3. It shall be the duty of such inspector, upon the ap-

plication of any manufacturer, refiner or producer of, or any dealer in any such oil or fluid or any person, to test the same with all reasonable dispatch, by applying the fire test as indicated and determined by J. Tagliabue's pyrometer, or some other instrument or means equally accurate, with which he shall provide himself at his own expense.

§ 4. If the oils or fluids so tested will not ignite or explode at a temperature of one hundred and fifty degrees Fahrenheit, the inspector shall mark, plainly and indelibly on each cask, barrel or package, "Approved, fire test being —," but if said oils will ignite on a temperature of one hundred and fifty degrees Fahrenheit, as aforesaid, then the inspector shall mark on each cask, barrel or package, "Condemned for illuminating purposes, fire test being —." Said inspector, while in office shall neither buy, sell, bargain nor trade, directly or indirectly in any of said oils or fluids.

§ 5. He shall within twenty-four hours after making any inspection, make a full and fair entry thereof in a record book to be kept for the purpose, which book shall be open to all persons wishing to examine it. And he shall also make monthly reports to the city council, setting forth therein the amount, kind and quality of all oils or fluids inspected by him, with the names of the owners of each parcel, together with such other information as the city council may direct.

§ 6. Any such inspector or deputy who falsely brands any package, cask or barrel, or be guilty of any fraud, deceit, misconduct or culpable negligence in the performance of any of his official duties, or who shall neglect, refuse or fail to comply with any of the requirements of this chap-

ter, shall be subject to a fine of not less than ten dollars nor to exceed one hundred dollars for each offense.

§ 7. The fees of the oil inspector shall be as follows, to be paid by those requiring his services: For each package cask or barrel, when inspected in less quantities than fifty barrels, casks or packages, ten cents. When inspected in quantities of fifty barrels, casks or packages, or more, five cents; when inspected in tank, at the rate of five cents for each forty gallons.

CHAPTER XXXIII.

PAWNBROKERS.

- SEC. 1. Defined.
 2. To procure license.
 3. City council to grant license.
 4. To keep register.

SECTION 1. That any person who loans money on deposit or pledge of personal property, or other valuable thing, other than real estate, or who deals in the purchasing of personal property, or other valuable thing, other than real estate, on condition of selling the same back again at a stipulated price, is hereby defined and declared to be a pawnbroker.

§ 2. That no person shall carry on or conduct the business or calling of a pawnbroker in this city without a license, under a penalty of twenty dollars for every offense.

§ 3. The city council are hereby authorized to grant a pawnbroker's license to any person of good character who may apply therefor, and enter with two sufficient sureties into a joint and several bond to the city of Joliet in the

penalty of five hundred dollars, conditioned for the due observance of all such ordinances of the city council as may be passed or in force respecting pawnbrokers, at any time during the continuance of such license. Whenever such license shall be granted it shall be the duty of the applicant to pay the sum of fifty dollars into the city treasury, and thereupon the city clerk shall issue a license in due form, under the corporate seal, signed by the mayor and countersigned by himself, the term of such license to be for one year.

§ 4. Every pawnbroker shall keep a book in which shall be fairly written in ink at the time of each loan an accurate account and description of the goods, article or thing pawned or pledged, the amount loaned thereon, the time of pledging the same, the rate of interest to be paid on such loan, and the name and residence of the person pawning or pledging the said goods, article or thing. No entry made in such book shall be erased, obliterated or defaced.

CHAPTER XXXIV.

PEDDLERS.

- SEC. 1. Peddlers defined.
 2. To procure license.
 3. Mayor to grant license, time, etc.
 4. Name and No. placed on vehicles.
 5. Ordinance, how construed.

SECTION 1. That every person who shall sell or offer any goods, wares or merchandise, or other article of value for sale, at any place, in or upon any of the streets, avenues, alleys, docks, wharves, or other public or private places, or private houses of this city, shall be deemed a peddler.

§ 2. Every person canvassing or taking orders for books, pictures, publications or other articles, shall be deemed a peddler within the scope of this chapter, and be required to take out a peddler's license; but no license shall be required for the delivering of any article when the order therefor was taken under a license; if, however, no license was taken out by the canvasser, the article shall not be delivered without a peddler's license; *Provided*, that regular commercial travelers, employed by wholesale houses and selling articles of merchandise to the regular dealers of the city, shall not be deemed to be within the meaning of this chapter.

§ 3. It shall not be lawful for any peddler to exercise his calling within the city without first having obtained a license therefor, under a penalty of not less than five dollars nor more than fifty dollars for every offense.

§ 4. The mayor is hereby authorized to grant peddlers' license to any person who may apply therefor, upon the payment of not less than two dollars nor more than fifty dollars, into the city treasury, said license to continue in force for any period not exceeding one year.

§ 5. Any person who shall exercise the vocation of a peddler by means of wagon, cart, or other vehicle, shall cause his name, together with the number of his license, to be plainly painted on the outside of his vehicle, in letters and figures not less than one inch in length; any violation of this section shall subject the offender to a fine of not less than three dollars, nor more than fifty dollars for each offense.

§ 6. This chapter shall not be so construed as to apply to any person or persons coming into the city from the

country with teams or otherwise with any produce for market, or to any person selling vegetables, berries, or the produce of their own farms or premises, nor shall the same be construed as applicable to children under the age of fifteen years peddling apples or other fruits, provided they do not occupy a stand; nor shall it apply to the peddling of newspapers, or to the sale of goods, wares, or merchandise manufactured in the city of Joliet by the person or persons selling the same.

CHAPTER XXXV.

POLICE DEPARTMENT.

- SEC. 1. Police department established.
 2. The mayor to be head of police.
 3. Duties of chief of police.
 4. Term of office and removal.
 5. Authority to serve warrants.
 6. Officers, penalty for fraud etc., may be removed.
 7. Qualification of officers.
 8. Penalty for resisting, etc.
 9. All persons to assist officers, penalty for refusing.
 10. Officer at police headquarters, records, etc.
 11. Regulations, uniform, etc.

SECTION 1. That there be, and hereby is, established a police department for the city of Joliet, which shall consist of one chief of police, one captain, and such other policemen as shall, from time to time, be appointed by the mayor, by and with the consent of the city council, who shall act and be known as police officers of said city.

§ 2. The mayor shall be the head of the police department, and shall superintend and direct the police generally, and from time to time give such directions as he may deem proper and necessary for the preservation of the peace and good order and enforcing of the laws and ordinances of

said city, and may from time to time, when deemed advisable, appoint special policemen and night watchmen. Every member of the police department shall wear a suitable badge to be furnished by the city, and any member who shall lose or destroy the same, shall be required to pay the cost of replacing it, and whenever any member shall leave the department, he shall immediately deliver his badge to the chief of police.

§ 3. It shall be the duty of the chief of police to cause the public peace to be preserved, and to see that all laws and ordinances are enforced, and whenever any violation thereof shall come to his knowledge, or be reported to him he shall cause the requisite complaint to be made, and see that the evidence is procured for the successful prosecution of the offender or offenders; he and his subordinates shall obey all such police rules as may be established for the regulation of the police department. The chief of police shall attend the sessions of the city council and board of health.

§ 4. The police officers shall hold their office for the time specified in the order making their appointment, provided, that no police officer shall hold his office for a longer term under one appointment, than one year, and provided, they may be removed by the mayor, whenever, in his opinion, the interest of the city requires such removal, and he shall report such removal with his reasons therefor, to the city council at its next regular meeting, and if the *city council*, by a two-thirds vote of all its members, by yeas and nays, to be entered upon its record, shall disapprove of such removal, such officer shall thereby become restored to the office from which he was removed.

§ 5. It shall be the duty of the police officers to aid and assist the chief of police in the execution of the duties

herein enjoined, and they shall have power and authority in the city, to serve and execute warrants and other process for the apprehension and commitment of persons charged with any minor misdemeanor, or held for examination or trial, or taken in execution for the commission of any crime or misdemeanor or violation of any law or ordinance of the city.

§ 6. Any police officer who shall neglect or refuse to perform any duty required of him by the ordinances of this city, or who shall in the discharge of his official duties, be guilty of any fraud, extortion, oppression, favoritism, partiality or willful wrong or injustice, shall forfeit and pay a penalty not less than ten dollars and not exceeding one hundred dollars for each offense and shall also be subject to removal from office. Any police officer found in any dram shop (except in the discharge of his duties as policeman) or playing any game of chance, or found in a state of intoxication during the discharge of his official duties, shall be removed from office.

§ 7. Every person appointed to the office of police, shall be at the time of his appointment, a citizen of the United States, and shall have resided in this city one year next preceeding his appointment, and a qualified voter in this city at the time of such appointment, and previous to exercising any functions of his office, shall, before some person legally authorized to administer the same, take and subscribe the oath of office prescribed by the constitution of the State of Illinois, and he shall cause such oath to be filed in the office of the city clerk.

§ 8. Whoever in the city shall resist any police officer or member of the police department, in the discharge of his duty, or shall in any way interfere with, or hinder or

prevent him from discharging his duty as such officer or member of the police department, or who shall offer or endeavor to do so, and whoever shall in any manner assist any person in custody of any police officer or member of the police department to escape or attempt to escape from such custody, or shall rescue or attempt to rescue any person so in custody, shall be fined not less than three dollars nor more than one hundred dollars.

§ 9. It shall be the duty of all persons in the city, when called upon by any police officer or member of the police department, to promptly aid and assist him in the execution of his duties. Whoever shall neglect or refuse to give such aid and assistance, shall be fined not exceeding one hundred dollars, in the discretion of the court or magistrate convicting.

§ 10. One member of the police shall at all times be at police headquarters, and whenever any person shall be arrested it shall be the duty of the person making such arrest to cause the prisoner to be immediately taken to police headquarters, and the officer on duty there shall set down in a book to be kept for that purpose, the name of the prisoner, the nature of the offense charged against him, the name of the complaining witness together with the names of all witnesses on behalf of the city, and their residence if known, and take necessary measures to secure the attendance of such witnesses at the time of trial.

The chief of police shall also cause to be kept, books of record of the police force, showing arrests, complaints against policemen, time lost by policemen, names of suspected persons and places and of all property placed in his charge; and such other books and records as shall be required by the business of the department.

§ 11. The mayor and chief of police shall make suitable regulations, under which the officers and men of the department shall be required to wear any appropriate uniform and badge, by which, at all times the authority and relations of such officers and men in said department may be known, as the exigency of their duties may require.

CHAPTER XXXVI.

POLICE MAGISTRATE.

- SEC 1. Where suits to be brought; complaint.
 2. If Judgment not paid, what proceedings; form of execution; proviso.
 3. Defendant must work out fine.
 4. If defendant refuse to work, duty of officer.
 5. Superintendent of streets may restrain defendants.
 6. How the officers to execute writs.
 7. Police magistrate and justices to tax costs.
 8. Amount of fees allowed magistrates and other officers.
 9. City attorney to try suits.
 10. Magistrates to act as police court
 11. Magistrates and justices to report quarterly.
 12. Penalty for failing to report.
 13. When costs not allowed.

SECTION 1. That the police magistrate and justices of the peace of the said city are hereby vested with jurisdiction in all actions, suits or prosecutions brought for the recovery of any fine, forfeiture or penalty under the charter of any ordinance, by-law, or police regulation passed by the city council; and such magistrate or justices of the peace shall have power to fine or imprison, or both, in their discretion, whenever such discretion shall be vested in them by said act or acts, or any by-law, ordinance or police regulation aforesaid; such actions, suits and prosecutions shall be commenced and prosecuted in the manner required by the charter, and the acts that have been or may hereafter be passed amendatory thereto.

§ 2. Immediately upon the conviction of any person for any breach of any ordinance, by-law or police regulation of said city, the police magistrate or justice of the peace shall enter judgment against him for the amount of fine and costs of prosecution; and in case the person convicted shall not have sufficient property to pay the amount of costs and fine imposed upon him under this chapter, he shall be required to pay the same by manual labor, as provided by the ordinances of said city, at the rate of fifty cents per day, until such fine or judgment and all costs thereon shall be fully paid; and immediately upon the rendition of judgment it shall be the duty of the police magistrate, or justice of the peace to issue an execution in the following form as near as may be, to-wit:

State of Illinois,)
County of Will,) ss.
City of Joliet.)

The people of the State of Illinois to any constable of said county or to any police officer of said city greeting:

Whereas, the city of Joliet has this day obtained judgment before the undersigned, a police magistrate (or one of the justices of the peace) of the city of Joliet, againstfor violation of an ordinance of said city, for.....dollars fine, and.....dollars costs of prosecution, these are therefore to command you to levy said fine and the costs, of the goods and chattels of the said.....within the said.....and expose the same for sale agreeable to law; and for want of sufficient property wherewith to levy and make said fine and costs, you are hereby commanded to take the body of the saidand you him safely deliver to the keeper of the bridewell of said city, and the said bridewell keeper is hereby commanded to receive and safely keep him in

custody by virtue hereof and require and compel the saidto labor at manual labor as by the ordinances of said city provided, at the rate of fifty cents per day until the whole amount of said fine and costs are paid, and make return hereof to me.

Given under my hand and seal this.....day of.....
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.....Police Magistrate or J. P. [L.S.]

Provided, however, that the justice of the peace or police magistrate before whom the conviction is had, may, in his discretion, issue an execution directed to any constable of said county, or any police officer of said city, to take the body of the defendant, and in default of payment, that he be confined in the city bridewell or in the county jail until the payment thereof. *Provided, also,* that no such imprisonment shall exceed six months for any one offense. Such persons shall be confined at the rate of one day for each fifty cents of said fine or judgment and costs, and may be compelled to labor as provided by the ordinances of said city.

§ 3. In all cases under this chapter, where the defendant is required to work out his fine and the costs on the streets, alleys and sidewalks, the chief of police or other officer having him in custody, shall deliver him, together with the amount due and endorsed on said execution the commitment to the superintendent of streets, or the bridewell keeper, and said superintendent of streets or the bridewell keeper shall require said defendant so delivered to him, to perform the amount of labor required of him by this chapter; and when said person shall have worked out the amount of said fine or judgment and costs and charges, on the streets, as herein required, the said superintendent

of streets shall thereupon notify the officer thereof, and the said officer shall make return to the police magistrate or justice of the peace of the said execution and commitment, that the judgment is satisfied and the fine and costs are paid by labor on the streets, and said person shall thereupon be immediately discharged.

§ 4. Every person who shall refuse or neglect to labor diligently as above required, at least ten hours per day and until judgment so rendered against him, or the fine and costs are paid by said labor at the rate of fifty cents per day, shall be taken to the city bridewell of the city of Joliet, and there kept on bread and water alone until he shall work on the streets and alleys as required by this chapter, or pay the amount of such judgment of fine and costs. Provided, however, that no person shall be required to labor upon the streets or alleys of said city, whose health or strength will not admit.

§ 5. The superintendent of streets or bridewell keeper is hereby authorized and empowered, in his discretion, to place and impose such restraint upon any person required to work out the amount of judgment of fine and costs as is required by the ordinance, as may be necessary and proper to prevent such person from escaping from the custody of such superintendent of streets or bridewell keeper during the time he is required to labor as aforesaid.

§ 6. The officer who shall execute any writ or other process issued by a police magistrate or justice of the peace of said city shall, unless otherwise directed by this or some other ordinance of said city, proceed in the execution of his duty in the same manner as constables are required to proceed under the laws of this state, and the police magistrate or justice of the peace in issuing process and on the

return thereof shall, unless otherwise directed by this or some other ordinance of said city, be governed by the laws of this state appertaining to proceedings before justices of the peace.

§ 7. The police magistrate or justice of the peace shall tax as part of the costs, all fees due any officer under or by virtue of this chapter or any ordinance of said city, and in cases where the defendant is acquitted the complainant or prosecuting witness may be adjudged to pay the costs if it appears to the magistrate or justice of the peace that the prosecution was instituted, maliciously, vexatiously or without probable cause.

§ 8. The police magistrate, justice of the peace and other officers shall be entitled to the same fees in all cases arising under the ordinances of said city as are allowed to justices of the peace and constables in criminal cases, by the laws of this state. The officer making the arrest under the ordinance of said city without a warrant, shall be entitled to the same fee as though he had made the arrest with a warrant; *Provided*, however, that where the officer executing process or making arrests is paid a salary by the city, the fees taxed as his costs shall be paid into the city treasury by the police magistrate or justice of the peace taxing the same. And when the costs are not paid by the defendant, in money, the city, and not the officer, will receive the credit for such fees.

§ 9 It shall be the duty of the police magistrate or justice of the peace through the chief of police or other officer, to inform the city attorney of any and all complaints or affidavits made before them for a violation of any ordinance of said city, and it shall be his duty to

appear on behalf of the city when necessary, and prosecute all suits commenced for a breach of any ordinance.

§ 10. It shall be the duty of said magistrate or justice of the peace when called upon to act as a police court in the hearing and disputation of all cases arising under this chapter which may be brought before him from the bride-well, or otherwise.

§ 11. It shall be the duty of said police magistrate or justice of the peace to make a report of the fines assessed and collected by them or either of them, and also report when said fines have been worked out on the streets, alleys and sidewalks, and present the same monthly to the city council of the said city of Joliet, and to pay the money so collected into the city treasury, and also to present with each and every such report the receipt of the city treasurer for the amount of fines so collected and paid in.

§ 12. Any police magistrate or justice of the peace who shall fail to make his report as required by this chapter shall be fined in a sum not exceeding one hundred dollars.

§ 13. That no costs shall be allowed to any justice of the peace of the city of Joliet in any suit or proceeding instituted or tried before such justice of the peace, in the name of the city of Joliet, unless the commencement of such suit or proceeding be authorized and ordered by the proper city officer or officers.

CHAPTER XXXVII.

PORTERS AND RUNNERS.

- SEC. 1. To be licensed.
 2. Keepers of hotels may have license revoked.
 3. To procure license
 To wear a badge.
 4. To first procure a license.
 5. Not to use deceit, etc.
 6. Fees for carrying.
 7. Not to make noise and disturbance.
 8. May be arrested; further powers.
 9. Penalty for violation.

SECTION 1. That any person of good moral character, on application to the mayor, shall be entitled to receive a license to act as public porter or runner, upon his executing for the use of the city of Joliet, a bond with two or more good and sufficient sureties, to be approved by the mayor, in the penal sum of five hundred dollars, conditioned to observe and keep all ordinances on this subject, and upon the payment of the sum of three dollars per annum in addition thereto; *Provided*, That all licenses issued or granted under this chapter shall expire or be renewed on the first day of September in each and every year.

§ 2. The keeper or keepers of any public house or hotel who shall have obtained a license for any porter or runner in his, her or their employ may, at his, her or their option, have the same revoked, and be entitled to another for the remaining portion of the year, for which such license shall originally have been granted without additional charge therefor; *Provided*, That no such license shall be changed or transferred to any other hotel or public house, without an order from the mayor or city council for that purpose first had and obtained, and each and every keeper

or proprietor of any such hotel or public house, shall be personally liable for each and every violation of this chapter or any clause thereof, when committed by any porter or runner in his, her or their employ, or who shall be acting under the license granted to any such hotel or public house, keeper or proprietor or either of them for the use of such hotel or public house.

§ 3. No person shall act as public porter or runner, either for himself, or any hotel, or public house, or in any manner act in that capacity, or ask the patronage or custom of any traveler or any other person for any public house, hotel, railroad depot or station, transportation company, or other place of business, of the person or persons, company or line of corporation, by whom he shall be employed, unless he shall first obtain a license, or be furnished with one by the person or persons for whom he is acting, according to the provisions hereof; he shall also, when so acting as public porter or runner as aforesaid, wear conspicuously in front of his hat or cap, or breast, a badge with the name of the public house, or other place for which he is acting, with the number of his license painted or engraved thereon, in legible characters or letters, not less than five-eighths of an inch in length for each character or figure.

§ 4. No person shall at any railroad depot or station, or other place in the city, ask or solicit any traveler or other person or persons, to ride in or use any hackney coach, cab, omnibus or other vehicle which runs for hire and for the conveyance of passengers, unless he or they shall have a license for that purpose first had and obtained; *Provided*, that nothing herein contained is intended to prevent the owners or licensed drivers of any hackney coach, cab or

omnibus, from notifying any person that his hackney coach, cab or omnibus is licensed and runs for hire for the conveyance of passengers.

§ 5. No porter or runner shall at any time or place make use of any device, deceit, imposition or false representation, in relation to the change of fare, character, custom or location of any public house or hotel, private house, street, place of business, locality or number whatever, in said city, or in relation to the time or place of the arrival or departure of any stage, railroad car or train, or other conveyance, to any stranger, non-resident or citizen, or in any other manner use any deceit as to the arrival or departure of any stage, railroad car or train, or other conveyance, or as to any locality, place, name or number, or be guilty of any misrepresentation or evil practice toward any emigrant or other person.

§ 6. Public porters shall be entitled for each trunk or package which they may carry, fifteen cents for any distance not exceeding one-fourth of a mile, and twenty-five cents for any distance exceeding one-fourth of a mile, and no public porter shall demand or exact any greater sums than are herein permitted.

§ 7. No porter shall at any time or place, when engaged in his employment, make any unusual noise or disturbance, or make use of profane, obscene or boisterous language, or use any language or be guilty of an act calculated to disturb strangers or citizens.

§ 8. The mayor, any alderman, policeman, chief of police or any other conservators of the peace, or member of the police under his directions, shall have power to arrest and commit any porter or runner for examination, who shall be engaged in the commission of any act prohib-

ited by this chapter. They shall also have power to give any directions which may be required for the preservation of the peace, or the convenience of the public at any railroad termination, and no person shall refuse to obey any such direction, or shall resist such officer in the discharge of any duty.

§ 9. Any person who shall violate any section or any clause or provision of this chapter, or shall fail to perform any act or thing required hereby shall on conviction, be fined in a sum of money not less than five dollars nor more than one hundred dollars, and may be imprisoned in the city bridewell for the space of not exceeding ninety days at hard labor, or both, in the discretion of the court before whom such conviction shall be had; and if committed by any such licensed porter or runner herein provided for, his license may be revoked, in the discretion of the mayor.

CHAPTER XXXVIII.

PUBLIC LIBRARY.

- SEC. 1. Penalty for injuring or destroying books or papers.
 2. Penalty for injuring grounds, buildings or fixtures.
 3. Penalty for failing to return books of library.
 4. Fines collected, how applied.

SECTION 1. That any person who shall willfully or maliciously cut, write upon, injure, deface, tear or destroy any book, newspaper, plate, picture, engraving or statue, belonging to the *Joliet Public Library*, shall be liable to a fine of not less than three dollars, nor more than fifty dollars for every such offense.

§ 2. Any person who shall willfully or maliciously commit any injury upon the *Joliet Public Library*, or upon

the grounds, buildings, furniture, fixtures or other property belonging to, or in possession of said library, shall be liable to a fine of not less than five dollars nor more than one hundred dollars for every such offense.

§ 3. Any person who shall fail to return any book belonging to the *Joliet Public Library*, according to the requirements of the by-laws, rules or regulations made and adopted by the directors of such library, for the government thereof, shall be liable to a fine of not less than three dollars nor more than ten dollars for every such offense.

§ 4. All fines collected by virtue of this chapter, shall be paid into the city treasury to the credit and benefit of the library fund, unless otherwise provided by law.

CHAPTER XXXIX.

RAILROADS.

- SEC. 1. Duty of Chicago, Rock Island & Pacific R. R. Co.
 2. Duty of Chicago, Alton & St. Louis R. R. Co.
 3. Duty of Michigan Central R. R. Co.
 4. Duty of flag and gatemen.
 5. Penalty for violation.
 6. Speed of locomotives.
 7. Stopping or remaining on streets.
 8. Whistling.
 9. Opening of cylinder cocks.
 10. Penalty for violation.
 11. Penalty for getting on cars in motion.
 12. Unlawful for the C. R. I. & P. R. R. Co. to remain, etc.
 13. Penalty for violation.
 14. Repealing Sec. 3, chap. 36, revised ordinances, 1869.
 15. Procedure for the erection of gates, etc.
 16. Railroad companies to erect and maintain, penalty.
 17. Gates, etc., to be erected and maintained at sole cost of railroad.

SECTION 1. That it shall be the duty of the Chicago, Rock Island and Pacific railroad company to erect and maintain, at its own expense, gates at the following points

where the tracks of said railroad company cross streets of the city, and keep at each of such crossings a gate tender, to wit: At the Railroad or Bluff street crossing from 7 A. M. till 8 P. M. each day; at the Joliet, Ottawa, Washington, Chicago and Scott street crossings, from 6 A. M. till 8 P. M. each day; at the Jefferson street crossing at all times both day and night; at the Eastern avenue, Collins street and Herkimer street crossings from 7 A. M. till 8 P. M. each day.

§ 2. That it shall be the duty of the Chicago, Alton and St. Louis railroad company to erect and maintain, at its own expense, gates at the following points where the tracks of said railroad company cross streets of the city, and keep at each of such crossings a gate tender, to-wit: At the Jefferson and Cass street crossings at all times both day and night; at the Washington street crossing from 6 A. M. till 8 P. M. of each day; at the intersection of Eastern avenue and Fourth avenue from 6 A. M. till 10 P. M.; at the Jackson and Clinton street crossings from 6 A. M. till 8 P. M.

§ 3. That it shall be the duty of the Michigan Central railroad company to station, keep and maintain at its own expense gates and gate tenders at the point where said railroad crosses Eastern avenue at all times both day and night; also where said line crosses Washington street from 7 A. M. till 7 P. M.; also where said line crosses at the intersection of Jefferson and Collins streets from 7 A. M. till 8 P. M.; also where said line crosses Herkimer street from 7 A. M. till 7 P. M.

§ 4. It shall be the duty of the flagmen or gate tenders of the above railroads, by means of a flag in the day time, and a colored light at night, to warn all teams or vehicles

of any nature, and all or any persons, of the approach of any engine or engines, car or trains of cars approaching in the direction of said crossing on the line of said railroads.

§ 5. For every violation of any of the provisions of the foregoing sections of this chapter, the corporation or corporations, person or persons so violating the same, shall be subject to a fine of not less than ten dollars nor more than two hundred dollars, to be recovered in any court of competent jurisdiction, in an action of debt, and each three days said railroad companies fail, neglect or refuse to comply with the provisions of this chapter, shall be held and taken to be a separate offense.

§ 6. That it shall not be lawful for any railroad conductor, engineer, or any other of their employes or agents to cause or permit the running of locomotives, or passenger, freight or other trains at a greater speed than six miles per hour within the city limits.

§ 7. That no railroad company, railroad engineer or train conductor, or other person shall cause or allow any locomotive, railroad passenger car, or freight car, or other railroad cars to stop on, or remain upon any streets within said city, longer than five minutes, (except as provided in section 7, chapter 37, revised ordinances 1869,) at any one time, and then only when it is absolutely necessary to prevent accidents, except in case of accidents or injury to person or property.

§ 8. That no railroad company shall cause or allow the whistle of any locomotive engine to be sounded within the city, except necessary brake signals and such as may be absolutely necessary to prevent injury to persons and to property other than their own, and that in their possession as freight.

§ 9. No railroad company shall cause or allow the cylinder cock or cocks of any or either of their several locomotive engines to be opened so as to permit steam to escape therefrom at any time while running upon or along any railroad track laid in any street, or when the engine is in immediate proximity to any street or railroad crossing in said city: *Provided, however,* that when such engine shall be standing at such point in said city, and for three revolutions of the driving wheel after being put in motion, the said cocks may be opened for the purpose of allowing condensed steam to escape.

§ 10. Any railroad corporation, railroad company, railroad engineer, train conductor, or person violating or failing to observe any of the provisions of this chapter, shall, for each violation of, or failure to observe the same, be fined in a sum not less than ten and not exceeding one hundred dollars, to be recovered before any court of competent jurisdiction.

§ 11. No person not in the employ of any railroad company shall, while any locomotive engine or train of cars are in motion, within the limits of said city, get on or take hold of any part of said engine or train, or get on at any depot or crossing with the intention of getting off again at any other point in said city, without the express permission of the engineer or conductor, under a penalty of five dollars, and it is hereby strictly enjoined on every officer of the city to see to it that this chapter is strictly enforced.

§ 12. That it shall be unlawful for the Chicago, Rock Island and Pacific railroad company or any of its agents or employes, or any railroad company, its agents or employes to allow any locomotive, engine or cars of whatsoever kind or description to encumber or remain upon the

railroad track laid upon public grounds dedicated as "public grounds" by James B. Campbell, known as the Court House Square, or upon public grounds dedicated as "public grounds" by Albert W. Bowen, and known as the Jail Square, for a longer time than five minutes.

§ 13. Any railroad company or its agents, or employes, violating the provisions of Section Twelve of this chapter shall be fined not less than ten dollars nor more than two dollars for each and every offense, and fifty dollars per hour for each and every hour said public ground shall remain obstructed after conviction of the offense.

§ 14. That Section Three of chapter thirty-six of the revised ordinances of 1869, of the city of Joliet, entitled "an ordinance concerning right of way, etc., of Chicago, Rock Island and Pacific railroad company," and all ordinances in conflict herewith be and the same are hereby repealed.

§ 15. Whenever, on any street crossed by the track or tracks of any railroad company, the city council shall deem it necessary to require said railroad company to provide protection against injury to persons and property at such crossings by the erection and maintenance of gates, guards or other protection, or the construction of a viaduct, said city council may, by ordinance, so declare and direct that any such railroad company shall, within a certain time, to be fixed by the city council erect, construct and maintain a sufficient safeguard at such crossing, specifying the kind of protection to be erected, constructed and maintained as aforesaid, whether it be a gate or gates, or viaduct or other efficient protection; and it shall be the duty of the superintendent of streets to serve upon the said railroad company named in said ordinance, a certified copy thereof

within thirty days after the passage of said ordinance, and at the same time to notify the said railroad company, in writing, of the time fixed by the city council within which the protection so ordered shall be constructed.

§ 16. Whenever any railroad company shall have been directed by the city council to erect, construct and maintain at any street crossed by said track or tracks, any gate or gates, viaduct or other protection, as provided in the last preceding section, every such company shall, within the time prescribed erect, construct and thereafter maintain the protection specified in said ordinance, under the penalty of not less than ten dollars nor more than two hundred dollars for every offense, and for each and every three days after the expiration of the time so fixed for the construction of such protection, any such company that shall refuse or neglect to proceed to the erection and construction of the kind of protection specified in such ordinance, shall constitute a new and distinct offense.

§ 17. Every such gate, guard, viaduct and the approaches thereto, or other protection when so ordered as aforesaid, shall be erected and constructed at the sole cost and expense of said railroad company, under the supervision of the superintendent of streets, and the same shall forever and thereafter be kept and maintained by such railroad company in proper care and condition, at its own cost and expense, and without expense or cost to the city of Joliet, under the supervision of the superintendent of streets and to his satisfaction.

CHAPTER XL.

SCAVENGERS.

- SEC 1. To be licensed.
 2. Penalty—permits, how granted.
 3. License, how granted, and cost.
 4. Permits to be obtained from the Board of Health.
 5. Make return to Board of Health.
 6. Work to be done in an inoffensive manner.
 7. Contents of vaults to be conveyed beyond the city limits.
 8. Wagon to be painted and numbered.
 9. Vaults not to be cleaned during day time.
 10. Amounts allowed to be charged.
 11. When health officer to notify owner of privy vaults.
 12. In case owner not found in city.
 13. Engaging in the business without license, penalty.
 14. Board of Health to cause notices to be left, etc.
 15. Refusal after notice served.

SECTION 1. The mayor of the city shall, from time to time, grant licenses to any person, company or corporation, to engage in the business of emptying, cleaning or removing the contents of privy vaults; and every person, company or corporation engaged in said business, shall be deemed a night scavenger within the meaning of this chapter.

§ 2. No person, company or corporation within the city of Joliet, shall empty, clean or remove the contents of any privy vault, or in any manner engaged in the business of night scavenger, without first having obtained a license so to do under the penalty of not less than ten dollars for each offense; *Provided*, that the owners, occupants or agents of privy vaults within the city desiring to clean and remove the contents thereof themselves, without the aid of night scavengers, may be allowed to do so upon the written permission of the mayor or board of health, and

then only in such a manner as he or they in said permit shall direct.

§ 3. Every person, company or corporation applying for such licenses, shall pay to the city clerk the sum of five dollars, and execute a bond to the city in the penal sum of five hundred dollars, with not less than two sureties to be approved by the mayor, conditioned that said scavenger will comply with the provisions of this chapter, and every ordinance which may be hereafter passed by the city council touching their said employment, and will also comply with and obey the directions and regulation of the board of health of the city made in pursuance of the law.

§ 4. No licensed person, company or corporation within the city of Joliet shall remove or cause to be removed, the contents of any privy vault without a permit first obtained from the board of health, under the penalty of not less than five dollars for each offense. Every such permit shall give the name of the scavenger, describe the premises where the work is to be done, and state where the contents thereof shall be deposited.

§ 5. Each scavenger shall make return to the board of health, of every permit issued to him, within five days after the work shall have been performed, certifying to the number of yards or loads removed from the vault or vaults therein described, and the place where the same was deposited, under the penalty of not less than ten dollars for each offense.

§ 6. The cleaning, emptying and removing of the contents of privy vaults shall be done in an inoffensive manner, and any scavenger having begun any such scavenger-work shall, without any interruption or delay, finish the same, and shall in every instance leave the privy in as good con-

dition upon the vault as when the work was undertaken.

§ 7. The contents of privy vaults so removed by any scavenger shall be conveyed beyond the city limits in airtight tanks or vessels, and shall be disposed of in such a manner as to cause no offense, said tanks or vessels shall be kept clean and inoffensive when not in actual use.

§ 8. Scavengers who engage in the business of removing the contents of privy vaults at night, shall cause to be painted upon the wagon box of their wagons, in letters and figures, their names and the number of their licenses, together with a lighted lamp with plain glass fronts and sides, with the number of the license of such wagon painted with black paint on the sides and front of each of said lamps, in distinct and legible figures, at least two inches in size, and so placed that said lamps may be distinctly seen, and said number easily read.

§ 9. No privy vault shall be opened nor the contents thereof disturbed or removed between the hours of six o'clock A. M. and ten o'clock P. M. of any day, nor shall such contents be deposited or buried within the city, except upon the permission of the board of health of said city and in such manner and places as shall be by them directed. And if any night scavenger shall not bury said contents as above provided, and cover the same so as to prevent any smell arising therefrom, his license shall immediately be forfeited and annulled. Any person violating any provision of this section shall be subject to the penalty of not less than twenty-five dollars for each offense.

§ 10. Night scavengers shall be allowed to charge and receive for each load so by them taken and removed, of not less than twenty-seven cubic feet, a sum not exceeding five dollars for each and every load so removed.

§ 11. Whenever, in the opinion of the board of health or health officer, any privy vault shall be offensive and need cleaning, it shall be his duty to notify the owner, agent or occupant to cleanse the same within a period named in said notice, and unless the person so notified shall comply within the time mentioned, it shall be the duty of said officer to cause said vault to be cleaned by one or more of the city scavengers aforesaid, and such person failing to comply with said notice, shall, on conviction, be fined in a sum not less than twenty dollars nor more than one hundred dollars, *Provided*, that nothing in this section contained shall discharge the owner, agent or occupant of the premises from any liability otherwise provided, to pay all the expenses of such cleaning.

§ 12. In case no owner or agent can be found in the city, such officers shall cause such offensive vault to be cleaned, and in either case the expense shall be collected as in other cases of the removal or abatement of nuisances.

§ 13. Any person without license as aforesaid, who shall engage in business as night scavenger, or who shall undertake to remove any contents of any privy vault within the city without license or permit, as aforesaid, shall, on conviction thereof, pay a fine of not less than ten dollars, or more than fifty for each offense; and any night scavenger so as aforesaid licensed, or owner, agent or occupant, so as aforesaid acting under permit as aforesaid, who shall fail to comply with any order, direction or regulation of the board of health, or who shall violate any provision or section, or clause of any provision or section of this chapter where no other penalty is imposed, shall, on conviction thereof, pay a fine of not less than five dollars, and shall,

at the discretion of the mayor of the city of Joliet, forfeit his license.

§ 14. The board of health shall cause a printed notice to be left at each and every hotel, tavern, eating house and dwelling house in the city, stating that a scavenger will call for offal, garbage, swill (and on improved streets, ashes) at certain times mentioned in the notice, and requiring such offal, garbage, swill, [and on improved streets, ashes] be ready in suitable vessels for the scavenger when he calls for the same. A copy of Section Fifteen of this chapter shall be appended to such notice.

§ 15. Any person who shall, after notice, neglect or refuse to have the offal, garbage or swill, upon his or her premises, ready for the scavenger in the manner and at the time mentioned in said notice, shall pay a penalty of three dollars for each and every day such offal, garbage or swill shall remain on such premises after the same has been called for by the scavenger. Said scavenger shall be allowed to charge and receive for each load of such offal, garbage or swill so by them taken, a sum not exceeding one dollar.

CHAPTER XLJ.

SCHOOLS.

- SEC 1. Division of city into districts.
2. District No. 1 extent of.
 3. District No. 2, extent of.
 4. Schools to be maintained.
 5. Children under five and over twenty-one.
 6. How maintained, teachers how paid.
Tax levied to defray expense of schools.
 7. Teachers to keep schedules.
 8. Board of school inspectors, establish rules.
 9. Meeting of inspectors, proviso.
 10. School inspectors to have entire control of schools.
 11. Inspectors to adopt a system of schools.
 12. Board to fix compensation of teachers, subject to.
 13. To have well bound books, keep record.
 14. To report to city council.
 15. Duty of teachers to hold institutes.
 16. Board to report to council.
 17. Claims audited by board, and filed with city clerk.
 18. Board to report to state superintendent.
 19. Board to present to the council requisitions for printing.
 20. To report tuition fees every three months and pay same to treasurer.

SECTION 1. That the city of Joliet shall be divided into two school districts, as follows: all that part of said city lying west of the Desplaines river shall constitute district No. 1, and all that part of said city lying east of the said river shall constitute district No. 2.

§ 2. District No. 1, in addition to that part of the territory within the city limits, west of the Desplaines river, shall comprise that part of section three west of the Desplaines river, section four (4), and the southeast quarter of section five (5), town thirty-five (35), north of range ten (10), east of the third principal meridian.

§ 3. District No. 2, in addition to that part of the territory within the city limits east of the Desplaines river shall comprise section two (2), that part of section three (3) east of the Desplaines river, the west half of section eleven

(11), the east half of the east half of section ten (10), and that part of the south half of section fifteen, south and east of Hickory creek, (except the southeast quarter of the southeast quarter, and except that part of the north half lying east of Spring and Hickory creeks,) and that part of the northeast quarter of section twenty-one (21), lying east of the St. Louis railroad, in town thirty-five, north of range ten east of third principal meridian.

§ 4. There shall be established and maintained in the city a sufficient number of common schools to provide instruction to all the children thereof over the age of five, and under the age of twenty-one years; and there shall be at least one such school in each district now or hereafter to be created, and all of said schools shall be free to all children of suitable ages, within their respective districts.

§ 5. Children under five or over twenty-one years of age, and those not belonging in the district shall not be admitted into the common schools of either of the districts of the city, except upon such terms as may be prescribed by the board of school inspectors, or with the written permission of said board.

§ 6. All the common schools of this city shall be supported at the public expense. The teachers of said schools shall be paid out of that portion of the interest or income which the city of Joliet, or the schools or scholars therein are, or may be hereafter, by law entitled to receive of the school fund, by law appropriated to the payment of teachers for township 35 N. R. 10 east, and the balance (if any there be) due teachers over and above the sum paid by such interest fund, together with all other expenses necessary for the proper management and support of the common schools of said city, shall be paid to the order of the board

of school inspectors' out of a fund to be raised for that purpose by tax on all the taxable property in said city and school districts. And all taxes collected and paid into the city treasury for school purposes shall be kept as a separate and distinct fund, for the support of schools exclusively.

§ 7. All teachers of common schools in the said city shall keep a schedule of the number of scholars attending school, as now required by law, and the money in the hands of the treasurer of the trustees of schools, for township 35, N. R. 10 E., or so much thereof as shall be appropriated to the school district of said city, or appropriated to their use, shall be paid to the said teachers on their schedules properly certified by the school inspectors and returned to the proper officer, in such proportion and measure as the statute provides.

§ 8. The board of school inspectors, when organized by electing from their own number a chairman and secretary, may establish all such laws, rules and regulations for their own government, not inconsistent with their authority and duties, as may in their opinion be necessary. Said board may in their discretion, pay their secretary as remuneration for his services a sum not exceeding three hundred dollars per annum.

§ 9. Said board shall meet regularly on the first Monday that immediately precedes the regular monthly meeting of the city council, at the city hall or at such other place as may be designated by the president of the school board (without expense to the city), for the transaction of business. Special meetings may be called at any time at the request of the president or any two members, whereupon the secretary shall give seasonable notice to each of

the inspectors of the time and place of holding such meeting; *Provided*, That no powers belonging to the said board shall be exercised thereby, except at meetings regularly convened in the manner above specified.

§ 10. The board of school inspectors shall take the entire superintendence and control of common schools within the city; shall employ all teachers, make necessary repairs, furnish fuel, furniture, and all other things necessary for the proper and successful carrying on and maintaining of said schools; *Provided*, That no contract for the employment of teachers shall be binding until confirmed by the city council, and provided further, that no teacher shall be employed to teach in any of said schools until he or she shall have exhibited to said board a certificate of qualification of the first or second grade, according to the classes to be taught under the direction of the school board, from the county superintendent of public instruction of Will county; said board shall visit all the public schools as often as once in each month, for the purpose of inquiring into the progress of the scholars, and the government of the schools; shall prescribe the studies to be taught, the books and apparatus to be used, and the method of discipline to be pursued, and shall carefully see to it that all the schools are in all respects maintained and managed in a proper manner; *Provided*, that after the present school year, no language except the English shall be taught in any of the schools of said district, except that by the direction of the board of school inspectors, the Latin language may be taught in the high school departments, and provided also, that the same grade shall be maintained in both districts No. 1 and No. 2 until otherwise ordered by the city council.

§ 11. The said inspectors shall have power to adopt a system of schools in each district, consisting of different grades, and assign suitable teachers to each, and to determine what scholars are sufficiently advanced to enter the higher grades, judging by the qualifications alone of the scholars, and also to dismiss or remove any teacher whenever, from the want of proper qualification or other cause, the interest of the school shall require such removal or dismissal, and all teachers shall be employed subject to this right and duty on the part of the board of school inspectors.

§ 12. Said board shall fix the compensation to be paid to the teachers employed in said schools, subject however, to confirmation by the city council.

§ 13. The said board of inspectors shall furnish themselves with a well bound book, at the expense of the school tax fund, in which shall be kept a faithful record of all their proceedings. They shall also file and preserve all the vouchers and accounts which may be allowed by them, and at the expiration of their term of office the same shall be lodged with the city clerk, and the records be delivered to their successors in office.

§ 14. The said board of inspectors shall, at the end of each term, report to the city council the condition of the schools, the progress and improvement made by the pupils, and the number taught in each district, the amount of teachers' wages and other expenses, and such other information as may be important; and may make suggestions to the city council in relation to the building and furnishing of school houses, or procuring apparatus or libraries, or creating new districts, or other matters which the interests of schools may, in their judgment require. And it shall be

their duty to report their doings, or furnish any other information relating to schools, to the city council at any time when required so to do.

§ 15. It shall be the duty of the teachers in the public schools of this city to meet on the second Saturday of every month, under the direction of the inspectors, at such place in said city as they may designate, to hold a teachers' institute for their own improvement in teaching. All public schools shall be taught five days in each week.

§ 16. It shall be the duty of the board of school inspectors, before the first day of July in each year, to report to the city council the amount which will be required to sustain the schools for the ensuing year, giving in detail the items of such expenditure, which sum, if deemed reasonable and right by the council, shall be exclusively set apart for school purposes as soon as the taxes are collected; *Provided*, That when such sum is so set apart, said board shall expend no more of said money so set apart for any one item than is appropriated for such item, unless the consent of the council shall be first obtained thereto.

§ 17. That all claims, bills, amounts and demands whatsoever against the city for school supplies, teachers' salaries, furniture, repairs, or in any way connected with the maintenance of schools shall be audited by said board, and when so audited shall be certified by the president of said board and the secretary thereof, and filed with the city clerk, to be by him presented to the city council for their approval, consideration or allowance, and when so allowed, said bills shall be published with the council proceedings the same as other bills against the city, and paid by orders drawn by the mayor and city clerk on the proper fund, as in other cases.

§ 18. It shall be the duty of the board of school inspectors, on or before the first Monday in October always preceding each regular session of the general assembly of the state, or annually, if required by the state superintendent, to make and enter a statement or report, to the commissioner of schools for the county of Will, of all such statistics and other information in regard to the public schools of the city, and an enumeration of children or other persons as is required to be communicated by township boards of trustees or directors, as is required by law.

§ 19. It shall be the duty of the board of school inspectors, from time to time, as required, to present to the city council, requisitions for any and all printing that may be required by such school board, and no printing shall be ordered by said school board until said requisition has been allowed by the city council, and then only the amount so allowed by the city council.

§ 20. It shall be the duty of the school board to pay into the city treasury all moneys received by them for tuition fees, and report every three months to the council all such tuition fees received by said board, and said board shall file with each report the receipt of the city treasurer for the full amount of such fees received by them.

CHAPTER XLII.

SHOWS AND EXHIBITIONS.

- SEC. 1. Managers of theatres, circuses, etc. to obtain license.
 2. License to be granted on following terms.
 3. License to opera house, etc.
 4. License to specify the object.
 5. Penalty for violation.
 6. Not to apply to citizens of Joliet.

SECTION 1. That it shall not be lawful for any person or persons to own, contract, or manage for gain within the city, any theatre, circus, caravan, or other exhibition, or show of amusement, or exhibit any natural or artificial curiosities, or any panorama or other show or device of any kind, or give any concert or other musical entertainment without a license.

§ 2. Licenses may be granted for the purpose contemplated in this ordinance, upon the following terms and conditions, to wit:

FIRST. To circus companies, their managers or agents, to exhibit for one day, not less than fifty dollars, nor more than one hundred dollars; two days, one hundred dollars, and twenty-five dollars per day for every day after two days. Side-shows, ten dollars per day for each show.

SECOND. To managers or agents of theatres, shows, man-ageries, concerts or exhibitions, performances or entertainments of any kind, whatever, as contemplated in this chapter, for the sum of two dollars to ten dollars for each and every day such person shall exhibit, perform or show.

§ 3. That the proprietor or lessee of any public hall or opera house in this city may take out a license for one year for the sum of fifty dollars payable in advance, which if so

taken out, shall be in lieu of a license for each entertainment held therein during the period covered by such license.

§ 4. All licenses issued under the provisions hereof shall specify the object and length of time for which the same shall have been respectively granted. Licenses granted under the provisions hereof shall at all times be subject to the ordinances of the city, existing when issued, or subsequently passed. It shall be the duty of the person licensed to keep good order about his place of exhibition or amusement, and for that purpose to keep at his own expense a sufficient police force.

§ 5. If any person shall violate, or aid or assist in the violation of any provision of this chapter, or neglect or refuse to conform thereto, he shall be subject to a fine of not less than thirty dollars and not exceeding one hundred dollars, in the discretion of the court, for every such violation, and to a revocation of his license, at the pleasure of the city council.

§ 6. This ordinance shall not apply to private musical parties, concerts or exhibitions, or church or charity concerts and entertainments given by the citizens of this city.

CHAPTER XLIII.

SHOOTING GALLERIES.

- SEC. 1. Shooting galleries licensed.
2. Rate of license.
3. Construction of license.

SECTION 1. No person shall own, keep or run any shooting gallery or place for target shooting, without first

obtaining a license therefor, under a penalty of not less than five dollars nor more than fifty dollars for each offense.

§ 2. The rate of license for shooting galleries and places for target shooting, shall be, for one year, ten dollars; and for any shorter period, the sum of not less than fifty cents, nor more than two dollars per day for the number of days covered by the license.

§ 3. No license shall authorize the firing of any gun or any firearm within the city, in contravention of any ordinance of the city, nor shall it authorize the establishment or keeping of any shooting gallery or place for target practice in any alley of the city, or in, or upon any uninclosed place, nor shall any such gallery or place for target practice be kept in any alley or uninclosed place within the city, under a penalty of twenty-five dollars.

CHAPTER XLIV.

SIDEWALKS.

- SEC. 1. Sidewalks not to be obstructed; penalty.
2. May place goods within three feet of building.
3. Not to be obstructed by teams.
4. Not to drive over sidewalk.
5. Awnings, etc., how put up.
6. Crosswalks to be kept free.
7. Mayor to cause obstructions to be removed.
8. Not allowed to erect railing, etc., with spikes attached.

SECTION 1. That no person shall place any goods or merchandise for sale or exhibition upon any sidewalk, or suspend any goods over the same for sale or show, except as provided in the next section; or place or deposit thereon, or cause or suffer the same to be done, any cask, barrel, wood, stone, plank, boards, salt, or any other article or

thing whatever, under a penalty of three dollars for each offense, and a like penalty for each and every hour the same shall remain after a notice by the mayor or other city officer to remove the same.

§ 2. It shall be lawful for any person to place, hang, or set out for sale any goods, wares and merchandise, on or over the sidewalk in front of, and within three feet of his store or building; *Provided*, such goods, wares, or merchandise shall not be placed, hung, or set within three feet of any stairway. It shall also be lawful for any person to place, and leave for a period not to exceed one hour, on four feet of the outer edge of the sidewalk, in front of his store or building, any goods, wares and merchandise, which he shall be in the act of receiving or delivering.

§ 3. No person shall at any time fasten any horse or horses in such a way that the horse, vehicle, reins or lines shall be an obstruction to the free use of any sidewalk under the penalty of one dollars for each offense, and the person in whose possession or use such horse or horses shall then be, shall be deemed the offender, unless he can prove the contrary to the satisfaction of the magistrate before whom he shall be prosecuted.

§ 4. No person or persons shall push or draw back any horse, wagon, or cart, or other vehicle over any sidewalk, or use, ride, or drive any horse, wagon, sled, or sleigh thereon, except where suitable crossing places are provided under the penalty of one dollar for each offense.

§ 5. No owner or occupant of any dwelling house, store or other building shall fix, put up or erect, or suffer the same to remain fixed, put or erected, any sign or show bill, show case, canvass or other thing projecting from any building, or hanging over the sidewalk more than three

feet in front of, and from the wall of such building, under a penalty of five dollars for each offense, and a like penalty of five dollars for every forty-eight hours the same shall remain, after being requested to remove the same by the mayor or any city officer.

§ 6. All crosswalks in the city shall be kept reserved free from any sleighs, wagons, carts or carriages, and horses or other animals, being placed or suffered to stand thereon, except so far as may be necessary in crossing the same, and the owner or driver of any sleigh, wagon, cart, or other carriage, or horse or other animal, offending herein shall forfeit and pay a penalty of three dollars.

§ 7. The mayor is hereby authorized to cause any post or other obstruction erected, placed or continued on any sidewalk contrary to the provisions hereof, to be removed, after due notice has been given to remove the same, and a neglect to comply with such notice.

§ 8. No person being the owner, lessee or agent of any building in this city, shall erect or maintain, or permit to be erected or maintained, on or about the stairway or in the entrance to such building, or on or about its exterior building line, or upon any portion of the sidewalk adjacent to such building, any railing, fence, guard or protection of any kind, upon which said railing, fence, guard or other protection there shall be affixed, or placed, or in any manner attached, any spike, nail or other pointed instrument of any kind or description, under the penalty of not less than ten dollars for each offense; and each and every day any such person shall fail or neglect to remove from any such railing, fence or other protection, any such spike, nail or other pointed instrument, after notice in writing from

the superintendent of streets so to do, shall constitute a new, separate and distinct offense.

CHAPTER XLV.

STREETS AND SUPERINTENDENT OF STREETS.

ARTICLE I. STREETS.

- SEC 1. Not to be encumbered.
2. Superintendent of streets, etc., to remove obstructions from streets.
 3. Articles, etc., found in the streets may be sold.
Proceeds of sale, how disposed of.
 4. Duties of superintendent of streets.
 5. Wagons, etc., not allowed to stand in streets.
 6. Buildings, etc., not to be moved through streets without leave.
 7. Time of removal to be specified.
 8. Penalty of.
 9. Buildings, etc., not to be placed on streets and alleys.
 10. Buildings, etc., to be removed from streets.
 11. Penalty for refusing to remove obstructions.
 12. When obstructed; teams, how removed.
 13. Dirt and rubbish not to be placed in streets.
 14. Water not to be obstructed.
 15. Stone, gravel, etc., not to be removed; when sold.
 16. Penalty for removing material etc.
 17. Excavations to be protected, etc.
 18. Setting of poles, consent of mayor and superintendent of streets necessary.
 19. Power of magistrates.
 20. Committee on public improvements, appointed.
 21. Duty of committee.
 22. Petitions for improvement referred to committee.
 23. No certificate of acceptance to be given until satisfactory to committee.
 24. No special improvement to be discontinued until costs are paid.
 25. Committee required to report on all new improvements.
 26. Duty of city attorney.

SECTION 1. That no person shall encumber or obstruct any street, alley, public landing, wharf, or pier, or other public place, by placing therein, or thereon, any building materials, or any article or thing whatever, without first having obtained written permission from the superintendent of streets, under a penalty of ten dollars for each offense and a further penalty of five dollars for each day or part of

a day such obstruction or incumbrance shall remain. (See page 224, Sec. 6.)

§ 2. The superintendent of streets or any alderman of the city, mayor, or any police officer are hereby authorized to order any article or thing whatever, which may encumber or obstruct any street, alley, public landing, wharf or pier, to be removed, and if such article or thing shall not be removed within two hours after notice to the owner thereof to remove the same, or if the owner cannot be readily found for the purpose of such notice, to cause the same to be removed to some suitable place to be designated by the mayor or any alderman, and the owner of any articles so removed shall forfeit a penalty of ten dollars in addition to the costs of such removal.

§ 3. Any article or thing which may be removed in accordance with the preceding section shall be advertised and sold by the superintendent of streets, or chief of police, at the end of thirty days after such removal, unless the same shall be sooner claimed by the owner, and the penalty and costs paid by him; and the officer making such sale shall immediately thereafter pay the proceeds thereof into the city treasury, and shall furnish the treasurer with a statement of the articles sold and the amount for which the same was sold, and the balance (if any) after deducting the penalty and cost, shall be paid to any person or persons furnishing satisfactory proof of ownership.

§ 4. The superintendent of streets shall not grant permission to place or keep any building materials in any of the streets and alleys of this city for a longer period than four months, and such permission shall not authorize the obstruction of more than one-half of the carriage way, and one-half of the sidewalk, except in cases of urgent necessity

and for short periods, and such permission shall be deemed void as to any person who shall extend the obstruction beyond the limits prescribed therein.

§ 5. No wagon, sled, sleigh, carriage or vehicle of any kind or description, or any part of the same, without horses or other beasts of burden, shall be permitted to remain or stand in any street or alley of this city for more than three hours, for the purpose of being repaired, or for any other purpose, under a penalty of two dollars, and any such wagon, sled, sleigh, carriage or vehicle, or any part of the same may be removed by the superintendent of streets, as provided by section two of this article.

§ 6. No person shall remove, or cause to be removed, or aid or assist in removing any building into, along or across any street, alley or public ground in this city, without first obtaining written permission from the mayor, and conforming to such restrictions and conditions as he may prescribe, under a penalty of twenty-five dollars, to be recovered from the owner of the building, or any person aiding in its removal, and a like penalty for every twenty-four hours the same shall remain in or upon any street, alley or public ground.

§ 7. Every permission granted by the mayor as contemplated in the preceding section, shall specify the period of time to be occupied by such removal, which time shall, in the case be no longer than is absolutely required therefor, but such time may be extended for good and sufficient cause.

§ 8. The owner of any building, or the contractor for its removal, either or both, who shall suffer the same to remain in any of the streets or alleys, or upon any of the public grounds of the city, for a longer period than speci-

fied in the permission of the mayor, shall forfeit a penalty of ten dollars, and a like penalty for every twenty-four hours the same shall be continued.

§ 9. No person shall erect or place any building, in whole or in part, upon any street, alley, sidewalk, or any other public ground within this city, under a penalty of fifty dollars.

§ 10. The owner of any building, fence or other obstruction now standing, or which may be hereafter erected or placed upon any street, alley, sidewalk, or any other public ground within this city, shall remove the same within ten days after he shall be required to do so, by a notice in writing, signed by the mayor, under a penalty of one hundred dollars for every thirty days the same shall so remain.

§ 11. Whenever the owner of any building, fence, or other obstruction, upon any street, alley, sidewalk, or public ground in this city, shall refuse or neglect to remove the same after notice provided for in preceding section, the same shall be deemed a nuisance, and it shall be lawful for the mayor to cause the same to be removed or taken down, in his discretion, and the expense thereof shall be recoverable of the owner, in an action of assumpsit, or by assessment on the premises, in the manner provided in the ordinance relative to nuisances, and every person who shall oppose or resist the execution or the order of the mayor in the premises, shall forfeit a penalty of one hundred dollars.

§ 12. Whenever, from any cause, any street or alley of this city shall be obstructed by a press of teams attached to vehicles, loaded or otherwise, the mayor, any alderman, chief of police, policeman or superintendent of streets, may give such directions in regard to the removal of such teams, vehicles, etc., as in the opinion of such officer, may be re-

quired by the public convenience, and any person or persons refusing or neglecting to obey such directions, shall forfeit and pay a sum of not less than one dollar, nor exceeding ten dollars, and may be arrested forthwith to answer such refusal or neglect.

§ 13. No person shall deposit any dirt, straw, filth, chips, shells, or other rubbish in any street, alley, or other public place in this city, under a penalty of two dollars for every such offense, and a like sum for every hour the same shall remain, after notice to remove the same, by any member of the police department.

§ 14. No person shall stop or obstruct the passage of the water of any street, gutter, or public sewer, culvert, water pipe or hydrant, laid or placed by the city, under the penalty of not less than three dollars for each offense.

§ 15. The stone, gravel, sand or other material of which the streets of this city are composed, belonging exclusively to said city, and to be used only for grading and improving the respective streets to which said materials pertain, and that the surplus materials over and above what are needed in grading said streets, shall be valued or appraised by some competent authority, under the direction of the city council, and sold for the benefit of the persons obliged to pay the expenses of the grading and improvement of the said street. Any case now in progress and uncompleted for the grading and improvements of any of the streets of this city, where any of the materials composing said streets have been removed by any special commissioners of this board, on any contracts or sub-contracts under such commissioners from said streets, and used for any purpose other than the grading and improving the street from which said materials were taken, that said material be

specially valued by some competent authority, appointed by the city council, and the amount of value so appraised shall be deducted by the said commissioners for said grading and improvement of such street (if the money be in their hands), from the amount of money contracted to be paid for such grading and improvements, which sum of money so deducted shall be paid into the treasury to the credit of the improvement fund of the particular street to which said material belongs.

§ 16. If any commissioner, sub-commissioner, contractor, sub-contractor, or other person shall remove any material from any street or streets of this city, and use the same for any other purpose than the grading or improvement of said street, the said material not having been valued and paid for as aforesaid, any such commissioner, contractor or sub-contractor or other person, shall be deemed a trespasser, and be subject as such for all value of said material, and all damages that shall occur to any street or streets, or persons owning property thereon, by suit in the name of the city corporation of Joliet.

§ 17. In all cases where the city council has heretofore granted or may hereafter grant to any person or corporation the privilege of laying gas or water or other mains or pipes in the streets of the city, it shall be the duty of such persons or corporations to safely guard all excavations made in laying such mains or pipes, and to fill such excavations as soon as the character of the work will permit, and without any unnecessary or unreasonable delay, and to resolve the surface of said street to the same condition as before said excavations were made; and any persons or corporations making any such excavations shall be liable to the city of Joliet for all damages which said city may

be compelled to pay by reason of any injury occurring from the making of such excavation, such persons or corporations shall be subject to all reasonable rules and regulations which the city council may prescribe as to the length of time which any street may be obstructed by such excavation.

§ 18. That all parties, companies and corporations shall before they set any poles for the transmission of electricity for telegraphing, telephoning or electric lighting in any street or alley of the city of Joliet, consult the mayor and street superintendent in relation to the placing or setting of the same, and only place such poles or dig out said streets, or in any manner disturb the same except by the consent of the said mayor and street superintendent, and and at such places as they shall direct, and in such manner as they shall designate. Any violation of this section shall forfeit all rights conferred upon such person, company or corporation to the use of the streets and alleys of said city of Joliet.

§ 19. In any case arising under this chapter the court or magistrate before whom conviction may be had, shall have power in their discretion to punish by imprisonment in addition to the prescribed penalty or fine for a period not exceeding thirty days.

§ 20. There shall be appointed a committee on public improvements, to consist of three members; the said committee to be appointed in the same manner and governed by the same general rules as other standing committees of this council.

§ 21. It shall be the duty of this committee to exercise a general oversight and supervision of the streets, alleys and sidewalks of the city, and of the construction, repairs, and changes of the same; to receive and note all complaints

made by citizens or others in regard to their condition; to direct, advise with and assist the superintendent of streets in making such repairs, changes or improvements as the safety or convenience of the public may require, and in the enforcement of the laws of the state and ordinances and rules of the city relating thereto; to make such rules and orders, subject to the approval of the council, as shall be calculated to secure the best possible condition of our public thoroughfares; and such other duties as the interests confided to their care shall require, or the city council direct.

§ 22. All petitions or motions for the special improvement of streets, alleys or sidewalks, shall be referred to the committee on public improvements, and it shall be its duty to inquire into the necessity and feasibility of the proposed improvement; and in case they shall consider it necessary and practicable, they shall proceed to estimate its cost, and the proportion, if any, that should be assessed upon the city, acting as commissioners for that purpose, and report the same to the next regular meeting of the council, together with such other facts bearing upon the question as shall be calculated to enable the city council to come to a proper decision in the matter.

§ 23. In case the ordinance under which the proposed improvements are to be made shall allow the property owners to make their own improvements, it shall be the duty of this committee, acting in concert with the superintendent of streets, to see that the improvements made by the different parties are uniform in their appearance and character, and that the streets and alleys if any, crossed by the said improvement, if improved by the city, are uniform in construction and material with the portion done by in-

dividuals; and no certificate shall be given to any individual for improvements so made, until the work shall be done to the satisfaction of the committee and in accordance with the profiles and specifications of the city surveyor, nor until his proportion of the costs and expenses necessary to enforce the proper prosecution of the said improvement are paid.

§ 24. No street, alley, or sidewalk improvement, for which the preliminary steps have been taken in answer to the prayer of a petition of parties interested shall be discontinued until all costs incurred up to the time of discontinuance are paid and the city relieved from all further liability; and until the city is so relieved it shall be the duty of the proper officers to enforce the completion of the said improvement by due process of law, if necessary.

§ 25. No new improvement shall be commenced by this committee, except in case of extreme emergency, without first reporting its importance or necessity to the city council, and obtaining its consent thereto, and in all cases when improvements or changes are ordered by the committee, the cost which would fall in whole or in part upon individuals, any citizen feeling himself aggrieved by the action of the committee, may appeal to the city council for redress.

§ 26. It shall be the duty of the city attorney to attend to all cases brought before the courts to enforce special improvements, to guard the interests of the city and its citizens in the prosecution of such suits and to see that the costs are assessed upon the basis of services actually rendered; the claims for such services being verified by the oath of the claimant.

ARTICLE II. SUPERINTENDENT OF STREETS.

- SEC. 1. Appointment of.
2. Duties of.
3. Duties on repairs.
4. Ordinances, how construed.

SECTION 1. That on the first regular meeting in May in each year the mayor, by and with the consent of a majority of all the aldermen elected to the council, shall appoint a superintendent of streets, who shall perform such duties as the council may, from time to time prescribe, and shall receive for his services such compensation as the city council may determine. Said superintendent of streets shall be employed and paid by the month, and may be discharged at the close of any month, by the mayor and council. He shall be a special policeman without extra compensation.

§ 2. It shall be the duty of the superintendent of streets to superintend all local improvements, embracing the grading and draining of streets, the construction of sewers, ditches and sidewalks, and to personally see that all contracts executed by the authority of the city, for improvements and public works, are fulfilled according to the respective plans and specifications, and it shall be the further duty of such superintendent of streets to carry into effect all such orders, resolutions and ordinances passed from time to time by the city council, as relates to his duties, and to cause all ordinances of the city respecting streets, alleys, public grounds, sidewalks, drains and sewers, to be obeyed and enforced.

§ 3. It shall be the duty of the superintendent of streets, whenever any portions of the public streets and

alleys or bridges require repairs to report to the city council the particular repairs that are required, and his estimate of the cost of the same, when, if the city council so order, the superintendent of streets shall procure the necessary hands, teams and implements, and proceed to do the work that may be ordered, keeping the time of all hands, teams and implements employed by him, and report to the city council, showing the amount due to each person so employed and also the ward in which such labor was performed. It shall be the further duty of such superintendent to report monthly to the city council all work done during the month, and all expenses incurred in his department, and to pay into the city treasury all money which may be received by him on account of said city, and to include a statement of same in his monthly report.

§ 4. Nothing in this article or any ordinance, order or resolution of the city council shall be construed as authorizing the superintendent of streets to make any expenditures of money or labor on the streets or alleys, unless he shall have previously reported to the city council that the same is necessary, together with his estimate of the cost of the same, and the special authority and permission of the city council be first given for its performance.

CHAPTER XLVI.

SUPPLIES AND CLAIMS.

- SEC. 1. Time contracts; duration, etc.
 2. Requisition; when made.
 3. Who to purchase; order and bill.
 4. Claims for goods not ordered, not to be allowed.
 5. Bill; what to contain; certificate.
 6. Printed blanks when not to be purchased.
 7. All claims to be filed five days before regular council meeting.
 8. School board to file statement of claims audited by them.

SECTION 1. All supplies or materials for the city of Joliet shall, when practicable, be purchased under time contracts the same to be let upon advertisement to the lowest and best bidder, as the city council may determine, no time contract to furnish any supplies or materials shall cover a longer period than one year.

§ 2. Any officer or person having charge of any department of the city government shall, whenever any supplies or materials are needed in his department, for the furnishing of which the city does not hold a time contract, make out and present to the city council, a written requisition setting forth the article or articles needed and the price thereof, if known.

§ 3. The council shall, at the time of ordering the purchase of any supplies, designate who is authorized to make the purchase; and every officer or person ordering any article from a distance for the city, shall file with the city clerk a copy of the order sent by him with terms of purchase, and also the bill of the article so ordered, as soon as the same is received.

§ 4. No account or claim for any article furnished to the city shall be allowed unless such article was ordered to

be purchased by the city council, or unless the purchase thereof was the result of an emergency which could not reasonably have been foreseen in time to present a requisition to the council.

§ 5. Every bill presented to the city council for allowance shall contain an itemized statement of the articles for which payment is sought, and shall be certified to by the officer under whom the liability was incurred; and said officer in certifying to the bill shall indicate the place where, and purpose for which the same was used.

§ 6. That no officer of the city or member of the school board shall have any power or authority to order blanks from the city printer, except upon the size and form of blanks described in and covered by the contract of the city printer, without the vote of the city council first had specially authorizing and ordering the same and designating the size and form of such blanks.

§ 7. All claims, bills or accounts, shall be filed with the city clerk at least five days before the regular meeting of the city council. If not so filed, the same shall lay over until the next regular meeting of the city council.

§ 8. The board of school inspectors by their proper officers are hereby required and directed to file with the city clerk a statement of all bills and accounts, audited by them, and the amount of each bill and the name of the person entitled to such allowance.

CHAPTER XLVII.

TREES.

- SEC. 1. Not to obstruct lamps.
2. Penalty.
3. Not to injure.
4. How trimmed, penalty.

SECTION 1. If any trees shall be suffered by the owner or occupant of the premises to grow in such a manner as to obstruct the reflection of the public lamps, it shall be the duty of the superintendent of streets to notify the owner or occupant of the premises forthwith to trim the same in the manner to be specified in the notice.

§ 2. If any person shall refuse or neglect to comply with such notice, it shall be the duty of said superintendent to cause such trees to be trimmed, and the person so refusing or neglecting shall be subject to a penalty of one dollar for each tree he was so notified, and refused or neglected to trim.

§ 3. No person, other than the owner of the abutting property, shall cut down, destroy, break, or in any way injure any tree or shrub standing in any street or public place, except by permission of the city council or the superintendent of streets, under the penalty of not less than five dollars for such offense.

§ 4. All trees kept, maintained, or cultivated in any of the streets or public places of the city, shall have the boughs or branches cut or trimmed close to the trunk of the tree, at least ten feet above the ground, and it shall not be lawful to keep, maintain or cultivate trees in any of the streets or other public places in the city, excepting in

the manner provided in this section, under the penalty of ten dollars for each offense.

CHAPTER XLVIII.

VEHICLES.

- SEC 1. Persons transporting for hire must have license.
2. Hackney carriages defined.
3. How license granted.
4. Vehicles to be numbered.
5. Owners of vehicles responsible for goods.
6. Penalty for refusing to carry persons, etc.
7. Penalty for using indecent and profane language.
8. Fee allowed to teamsters, draymen, etc.
9. Fee allowed hackmen, etc.
10. Draymen, etc., to load and unload goods.
11. Penalty for taking a larger fee than allowed.
12. Not to apply to merchants and laboring teamsters.
13. Penalty without license.
14. Sprinklers to be licensed.
15. Bond required, rate, etc.
16. Persons governed by ordinances of city.

SECTION 1. That no person shall charge, receive, or demand any pay for the hauling or transporting any article or personal property whatever in or upon any wagon, cart, dray, or other vehicle, nor for the hire or use of the same, within the limits of said city, without first having obtained a license so to do as hereinafter provided.

§ 2. Every four wheeled vehicle, drawn by two or more horses or mules, which shall be kept or used within said city, for the purpose of carrying persons from one place to another through or in said city (mail stages only excepted) or from said city to places without the same, or from places without said city, to any place within the same, for hire or payment received by the owner, agent or driver thereof, is hereby declared and taken to be a hackney carriage, within the meaning of this chapter; and no person shall keep and

use any such hackney carriage in said city for hire or pay for the purposes herein stated without first having obtained a license so to do as hereinafter required.

§ 3. The mayor is hereby authorized to license, under his hand, attested by the clerk, and seal of the city, any person or persons residents of said city, to keep and use for the conveyance of any person or any article of personal property whatever, any or either of the carriages or vehicles aforesaid, upon his or their entering into a bond with sufficient sureties to be approved by the mayor, in the penalty of five hundred dollars, conditioned for the payment of all penalties and damages which said owner or owners, and the driver or drivers thereof may incur, or be liable to pay under any by-law or ordinance of said city, now in force, or that shall hereafter be established. The said applicant shall pay into the city treasury the sum of one dollar for license for drays or any vehicle drawn by one horse or other animal, and for any vehicle drawn by two or more horses or mules, the sum of two dollars; and no license shall be granted for a less term than one year, and, unless revoked, shall continue in force until the first day of March, after the date of the issuing thereof. Licenses issued under this chapter are not transferable.

§ 4. Every wagon, cart, dray, hackney carriage, or other vehicle licensed under this chapter shall bear its number, as registered by the city clerk, in plain and conspicuous figures at least three inches in length, and be placed in the most conspicuous place on the vehicle, the licensee to have the same done at his or their own expense; and any person who shall refuse or neglect to keep his wagon, cart or dray, hackney carriage, or other vehicle numbered in accordance with the number furnished by the clerk, as herein required,

or if he shall have more than one number on the same, shall forfeit and pay the sum of not less than one dollar nor more than five dollars for every day he shall use said wagon, cart, dray or other vehicle, without having the same numbered as aforesaid.

§ 5. The owners of vehicles, and all persons taking out license under this chapter, shall be responsible for all goods, wares, property and merchandise delivered to their care, or to the care of any driver or persons having charge of any licensed wagon, cart, dray, hackney carriage or other vehicle.

§ 6. If any owner, driver or person in charge of any wagon, cart, dray, hackney carriage, or other vehicle licensed as aforesaid, shall, while unemployed, and on any street or alley, or upon the public landing, or at any railroad depot, or place in said city, refuse to haul a load or loads for any person, or refuse to carry any passengers and their baggage, who shall tender him the regular fare or fee therefor, he shall forfeit and pay the sum of not less than three dollars, nor more than ten dollars for each offense.

§ 7. Any hackman, cartman, drayman, or any person in charge of any omnibus, baggage, or express wagon, or other vehicle, licensed as aforesaid, who shall, while waiting for employment on any street or at any railroad termination or depot, boat landing, or elsewhere, leave such vehicle except for the purpose of getting the baggage or other personal property of the person employing him, or shall snap, crack, or flourish his whip, or use indecent or profane language, or be guilty of boisterous or loud talking, or hallooing, or any disorderly conduct, or who shall vex, disturb, importune, annoy or de-

ceive passengers, travelers, or citizens, or obstruct any street or sidewalk, or shall refuse to observe and obey any order or direction of the mayor, chief of police, policeman, magistrate, alderman, or other conservator of the peace in said city, which may be given for the preservation of good order and for the convenience of the public, at any railroad termination, boat landing or elsewhere, shall be subject to a fine of not less than five nor more than fifty dollars.

§ 8. The fee or charge allowed to teamsters, draymen, cartmen, drivers of express wagons, and other vehicles, licensed under this chapter shall be as follows, to-wit:

FIRST. For hauling each load or baggage not exceeding four hundred pounds in weight, to or from any part of the city, the sum of twenty-five cents.

SECOND. For hauling each load exceeding four hundred pounds in weight to or from any part of the city, the sum of fifty cents.

THIRD. For hauling each load of furniture, not exceeding one dollar.

FOURTH. For hauling or removing pianos, safes, or heavy articles weighing over 800 pounds, requiring the aid of two or more men, to lift or remove, the sum of two dollars to five dollars, according to help required.

§ 9. The fee or charge allowed to hackmen, omnibus drivers, and others engaged in carrying and conveying passengers, as contemplated by this chapter, shall be as follows, to-wit:

FIRST. For conveying each passenger between any two points within the city, including one trunk and other ordinary baggage, the sum of fifty cents, each passenger without baggage, twenty-five cents; and for conveying each

child, between five and fourteen years of age the same distance, the sum of fifteen cents. Double rates may be charged for conveyance of passengers and baggage between the hours of eleven P. M. and five A. M.

§ 10. That the services to be rendered by the person in charge of a licensed wagon, cart, dray, or other vehicle, for the fee herein specified, shall include the loading, hauling and unloading of the property.

§ 11. If any owner, driver or person having charge of any licensed wagon, cart, dray, hackney carriage or other vehicle, shall charge, receive or demand any higher fee or charge than is allowed by this chapter, he shall forfeit and pay not less than three nor more than twenty dollars for each offense; and the court or magistrate may, in his discretion, enter up as a part of the judgment the forfeiture of his license.

§ 12. This ordinance shall not apply to wagons and other vehicles kept by merchants for the free delivery of goods sold by them, nor to the owners or drivers of teams conveying to market, who shall transport for hire or pay any article from the city to any place without the same nor to the hauling or transportation of brick, sand, lime, mortar, stone, coal, wood, hay and straw, nor to any wagon, cart, dray or other vehicle employed on any public improvement of said city, nor to any of said vehicles employed in digging cellars and foundations where buildings are to be erected. *Provided*, that said vehicles are not used for other purposes of hire.

§ 13. Any person who shall, without being licensed as herein required, demand, charge or receive any sum of money or other valuable thing for hauling any load or loads of personal property, or conveying persons, as contem-

plated by this chapter, or for the hire or use of any wagon, cart, dray, hackney carriage or other vehicle, shall forfeit and pay not less than five nor more than twenty dollars for every offense.

§ 14. That no person shall use any street sprinkler in sprinkling any street in the said city without first having obtained a license so to do, as hereinafter provided.

§ 15. The mayor is hereby authorized to license under his hand attested by the clerk and seal of the city, any resident of this city to keep and use a street sprinkler for sprinkling the streets, upon his entering into a bond with sufficient sureties to be approved by the mayor and city clerk, in the penalty of one thousand dollars, conditioned for the payment of all damages that may result to any person or persons or property in consequence of using such street sprinkler on the streets of the city. That said applicant shall pay into the city treasury the sum of three dollars for license for such street sprinklers. The said license, unless revoked, shall continue in force until the first day of March, after the date of issuing thereof.

§ 16. All persons taking out license under this chapter, shall be subject to, and be governed by the ordinances of said city now in force, or that may hereafter be passed in relation to any of said licenses, or to the business connected therewith.

CHAPTER XLIX.

VAGRANTS.

- SEC. 1. What persons deemed vagrants.
 2. Duty of officers to arrest vagrants and proceedings before magistrate.
 3. Officers to search vagrants and to destroy property taken.

SECTION 1. That the following named and described persons shall be and they are hereby deemed and declared to be vagrants, and they shall be arrested and punished as such, in the manner hereinafter provided, to wit:

FIRST. All persons in said city able to support themselves in some honest and respectable calling or business, and not having visible means to maintain themselves, and who live idly and without lawful employment or business, or who shall be found loitering or strolling about, frequenting places where liquor of any kind is sold, drank or kept, or staying at or lodging in groceries, tippling houses, beer houses, eating houses, market places, houses of ill-fame or bad repute, ten pin alleys, billiard rooms, sheds, stables, or in the open air, either during the day time or night.

SECOND. All persons in said city, able to support themselves in some honest and respectable calling or business, and who lead an idle, immoral or profligate course of life; and all persons in said city who shall be found trespassing upon the private premises of other persons and not giving a good account of themselves; or who shall be found wandering abroad, and from place to place in said city, begging or placing themselves in the streets or other thoroughfares, or in public places to beg or receive alms.

THIRD. All persons in said city who are gamblers, pick-pockets, or prostitutes, and who travel about through the

city by day or night, or frequent or remain at gambling houses, houses of ill-fame, or places where liquor is sold, drank or kept, or who remain on railroad cars, canal boats or other places, and travel about from place to place, and who do not follow any lawful employment or business.

FOURTH. All persons upon whom shall be found any gambling apparatus or device, or any slung shot, pistol or knuckler of lead, brass or other metal, or any instrument, composition or thing used for the commission of burglary, arson, or for the picking of locks or pockets, or for the playing of any fraudulent tricks, plays or games, or for the manufacture of counterfeit money, or for the commission of any offense against the laws of this state, or the ordinances of said city, and who cannot give a good and satisfactory account of their possession of the same.

§ 2. It shall be the duty of the chief of police or other police officer of said city, to arrest, with or without warrant, all such persons as are described in the foregoing section, and take them before a police magistrate or justice of the peace of said city, and a complaint shall be made against them in the same manner as is now or may hereafter be provided by ordinance in other cases for a violation of the ordinances of said city; and every person deemed guilty and convicted of vagrancy under this chapter, shall forfeit and pay any sum not exceeding one hundred dollars. And the said police magistrate before whom such vagrant may be convicted, shall require said defendant to give bond to the city of Joliet, with two or more good and sufficient securities, in the penalty of not less than fifty, nor more than one thousand dollars, conditioned that he or she will, for the next twelve months after the date of said bond, be of good behavior, and betake himself or herself to some

honest employment for support; and that he or she will not during that time become a vagrant within the meaning of this chapter; and in case said defendant fail or neglect to enter into such bond within a reasonable time, to be left to the discretion of the magistrate, it shall be the duty of the magistrate to commit said defendant to the bridewell of said city, or to the county jail of Will county. And as a part of said judgment, unless said fine be paid, shall be ordered to be committed to labor on the streets, alleys and sidewalks for the use of said city, until such fine be paid, by due course of law, and until such security shall be given, not exceeding six months; *Provided*, That in case the defendant shall, immediately on payment of his said fine and costs, depart from said city, and not return to the same again for the space of one year, he shall not be required to execute said bond; and in case the defendant shall depart from said city without giving the said bond, and shall return to the said city again before the expiration of the said year, he shall be arrested by the chief of police or other police officer of said city, without warrant, and carried before the said police magistrate or justice of the peace, and in default of said bond he shall be committed as herein required.

§ 3. It shall be the duty of the chief of police, or other officer arresting any person under the provisions of this chapter, to carefully search such persons and their baggage, premises and places of abode, and if any gambling apparatus or device, slung shot, pistol, knuckler, instrument, composition or thing used for the commission of burglary, arson or the picking of locks or pockets, or for the playing of fraudulent tricks, plays or games, or for the manufacture of counterfeit money, or for the commission of any offense against the laws of this state or the ordinances of

said city, shall be found on their persons, in their baggage or in or about their premises or places of abode, the same shall be seized and delivered over to the custody of the mayor of said city; and if, on the trial of said person for vagrancy, they shall fail to give a good and satisfactory account of their possession of the same, to the magistrate before whom they shall be tried, the same shall be declared forfeited to said city, and the magistrate or justice shall enter up such forfeiture as a part of the judgment; and the said apparatus, articles or things herein mentioned shall be destroyed by the chief of police in the presence of the mayor.

CHAPTER L.

WARDS.

SECTION 1. The city of Joliet is hereby divided into seven wards, as follows:

THE FIRST WARD shall include the territory bounded on the North by the north city limits, on the East by the east city limits, on the South by the centre of the main line of the Chicago, Rock Island & Pacific railroad track, on the west by the centre of the main line of the Chicago & Alton railroad track.

THE SECOND WARD shall include the territory bounded on the North by the DesPlaines river and north city limits, on the East by the centre of the main line of the Chicago & Alton railroad, on the South by Washington street, and on the West by the centre of the DesPlaines river.

THE THIRD WARD shall include the territory bounded on

the North by the north city limits, on the East by the centre of the DesPlaines river, on the South by Spring street and a line running west from the west end of Spring street to Center street, and on the West by the Plainfield road and that part of Center street from the Plainfield road to where the south line of said road intersects Center street.

THE FOURTH WARD shall include the territory bounded on the North by the Plainfield road and Spring street and a line running from west end of Spring street to Center street, on the East by the centre of the DesPlaines river and that part of Center street which lies between the Plainfield road and where the line running west from Spring street strikes Center street, on the South by Exchange street, and on the West by the west city limits.

THE FIFTH WARD shall include the territory bounded on the North by Exchange street, on the East by the centre of the DesPlaines river, on the South by the DesPlaines river and the south city limits and on the West by the west city limits.

THE SIXTH WARD shall include the territory bounded on the North by the DesPlaines river and Washington street, on the East by the centre of the main line of the Chicago & Alton railroad, on the South by the south city limits, and on the West by the centre of the DesPlaines river.

THE SEVENTH WARD shall include the territory bounded on the North by the centre of the main line of the Chicago, Rock Island & Pacific company's railroad, on the East by the east city limits, on the South by the south city limits, and on the West by the centre of the main line of the Chicago & Alton railroad.

CHAPTER LI.

WEIGHTS AND MEASURES.

- SEC. 1. Regulator of.
2. Council to appoint sealer.
 3. Duties of; hindering or delaying inspector.
 4. Fee of sealer; additional fees of.
 5. To inspect on request; complaint, etc.
 6. Not to use weights, etc., unsealed; penalty.
 7. Sealer to make a register; report.
 8. When to deliver weights and measures to city clerk.

SECTION 1. That hereafter there shall be an inspector of weights and measures within this city, and the standard adopted by the state of Illinois shall be the test by which they shall be compared and determined.

§ 2. The mayor and city council shall appoint an inspector of weights and measures at the first regular meeting in May of each year; or as soon thereafter as may be, who shall continue in office for one year, or until his successor is appointed. Every such inspector shall for the faithful performance of his duties, execute a bond to the city of Joliet in the sum of one thousand dollars, with sureties to be approved by the mayor, conditioned for the faithful performance of his duties.

§ 3. It shall be the duty of the inspector of weights and measures, at least once in every year, to examine and test the accuracy of all weights, measures and scales, or other instruments or things used by any person for weighing or measuring any articles for sale in said city of Joliet to stamp with a suitable seal, all weights, measures and scales so used, which he may find correct, and deliver to the owner thereof a certificate of their accuracy; to condemn all weights, measures and scales which he may find

incorrect upon such inspection, and to cause the owner thereof to have them corrected and made conformable to said standard. Any person refusing to exhibit any weights, measures or scales, or instruments for weighing or measuring, to said inspector, for the purpose of examination and inspection as aforesaid, or obstructing him in the performance of his duty, or using any weights, measures and scales which have been condemned, before the same have been prepared and adjusted, shall forfeit a penalty of not less than three dollars nor more than ten dollars for each offense, recoverable before any court or justice having jurisdiction of the same within the city.

§ 4. The inspector of weights and measures shall be allowed to receive the following fees for services rendered by him under this chapter, said fees to be paid by the owner or owners of the scales or measures:

For inspecting and sealing railroad or track scales of ten tons and upwards, each, five dollars.

For inspecting and sealing scales of four to ten tons capacity, each, one dollar and fifty cents.

For inspecting and sealing hay, coal and depot scales, each, one dollar.

For inspecting and sealing dormant scales, each, seventy-five cents.

For inspecting and sealing hopper scales, each, one dollar.

For inspecting and sealing movable platform scales, each, fifty cents.

For inspecting and sealing counter scales, each twenty-five cents.

For comparing and sealing any measure of the capacity of a bushel or more, each, ten cents.

For comparing and sealing any measure of the capacity of a half bushel or less, each, five cents.

For comparing and sealing liquid measures, each, five cents.

For comparing, inspecting and sealing cloth and wood measures, each, five cents.

The inspector of weights and measures shall also be entitled to receive a fair compensation for his labor and material necessary to make weights and measures accurate.

§ 5. It shall be the duty of said inspector, whenever complaint is made to him by any person interested, or whenever he may have reason to believe that any weight, measure, scale, balance or other instrument used for weighing or measuring in said city is incorrect, or whenever thereto requested by the owner of, or person using any such, to inspect and test the same, without regard to the date of any previous inspection; *Provided*, that said inspector shall not be entitled to charge for any except the regular yearly inspection, except in cases where requested to inspect by the owner or user, or when the weight, measure, scale, balance or instrument inspected is found to be inaccurate and untrue, when the regular fees may be charged.

§ 6. No person shall make use of weights, measures, scales, or other instruments for weighing or measuring any articles for sale in the city, until the same has been duly examined and sealed by the sealer of weights and measures under a penalty of not less than five nor more than twenty-five dollars. Any person or persons altering any weights, measures or scales, causing the same to weigh incorrectly shall, on conviction thereof, before any justice in said city, be fined in a sum not exceeding one hundred dollars.

§ 7. It shall be the duty of the said sealer to make a register of all weights, measures, scales, beams and steelyards or other instruments inspected by him, in which he shall state the name of the owners of the same, and whether they are conformable to the standard of the state. And it shall also be his duty to report to the city council, once in every three months, the names of all persons whose weights, measures, scales, beams and steelyards are incorrect, and to deliver a copy of his register to the clerk of the city.

§ 8. Whenever the inspector of weights and measures shall resign, be removed from office, or remove from the city, it shall be his duty to deliver to the city clerk all the standard beams, weights and measures in his possession.

CHAPTER LII.

WOOD AND HAY.

- SEC. 1. Inspector to be appointed.
 2. Duties of; fees of;
 3. All wood to be well packed; penalty.
 4. All wood to be inspected; penalty.
 5. Inspector to have place of business.
 6. Wood and hay stands; where located.

SECTION 1. That there shall be appointed by the city council, from time to time a competent person, who shall be denominated measurer and inspector of fire wood, who shall hold his office until the election and qualification of his successor.

§ 2. It shall be the duty of said inspector and measurer to keep a book in which he shall make an entry of each load by him inspected, and on the last Saturday of every month he shall make a full return to the city clerk of the

number of loads, and the quantity of wood inspected and measured by him. The said inspector shall be allowed to charge and receive ten cents for each cord or load of larger or smaller quantities, not exceeding five cords and five cents for every cord over five cords inspected and measured in one lot, to be paid by the seller.

§ 3. Every load of wood offered for sale in this city, shall be packed as closely together as it can conveniently be put, and no crooked wood shall be stored in any such load, but all crooked wood shall be sold by itself as refuse wood. Every person violating this section shall forfeit a penalty of one dollar for each offense.

§ 4. All firewood sold by the load in this city, shall be inspected and measured by said inspector, and the judgment of said inspector as to the quality, quantity and kind shall be conclusive; and such inspector shall give a certificate of the quality, quantity and kind in each load, for whom, and the date when it was measured, which certificate shall be surrendered to the purchaser. Any person or persons selling wood, who shall violate the provision of this section, shall be fined in a sum of not exceeding five dollars for each offense.

§ 5. It shall be the duty of the said inspector to be at all reasonable times in attendance at such place or places as may be designated as "wood and hay stands," within the city, for the purpose of inspecting and measuring wood and weighing hay.

§ 6. That no person or persons having wood or hay for sale, by the wagon or cart load, shall stop or wait for a purchaser on any street, lane or public grounds in the city of Joliet, except as hereinafter provided, to wit: On any part of Washington street, between the west line of the

alley running north and south between Joliet and Ottawa streets, and DesPlaines street.

CHAPTER LIII. ORDINANCES.

- SEC. 1. Ordinances to be recorded; publication.
 2. Repealing ordinance when to take effect; suits, etc., not to be affected by repeals.
 3. Concerning same offense under different clauses.
 4. Construction of words.
 5. Penalties in cases not provided for.
 6. Acting mayor to have full powers; "reasonable time" and "notice" defined.

SECTION 1. All ordinances hereafter passed by the city council shall be recorded by the city clerk, in the book of ordinances, and shall be published in the corporation newspaper.

§ 2. Whenever an ordinance or a part of an ordinance shall be repealed or modified by a subsequent ordinance the ordinance or part of ordinance thus repealed or modified shall continue in force until the due publication of the ordinance repealing or modifying the same, when such publication shall be required to give effect thereto, unless therein otherwise expressly provided; but no suit, proceeding, right, fine or penalty instituted, created, given, secured or accrued under any ordinance previous to its repeal shall in anywise be affected, released or discharged, but may be prosecuted, enjoyed and recovered as fully as if such ordinance had continued in force, unless it shall be therein otherwise expressly provided.

§ 3. In all cases where the same offense may be made punishable, or shall be created by different clauses or sec-

tions of the ordinances of the city, the prosecuting officer may declare upon all of said clauses, sections or ordinances; but not more than one recovery shall be had against the same person for the same offense.

§ 4. Whenever any words in any ordinance importing the plural number shall be used in describing or referring to any matters, parties or persons, any single matter, party or person shall be deemed to be included, although distributive words may not be used. And when any subject matter, party or person shall be referred to in any ordinance by words importing the singular number only, or the masculine gender, several matters, parties or persons, and females as well as males, and bodies corporate, shall be deemed to be included; *Provided*, That these rules of construction shall not be applied to any ordinance which shall contain any express provisions excluding such construction or where the subject matter or context of such ordinance may be repugnant thereto.

§ 5. Whenever in any ordinance the doing of any act or the omission to do any act or duty is declared to be a breach thereof, and there shall be no fine or penalty declared for such breach, any person who shall be convicted of any such breach shall be adjudged to pay a fine of not less than three dollars nor more than one hundred dollars.

§ 6. Whenever any power shall be vested in the mayor, or he shall be required to do any act or perform any executive function, in his absence it shall be the duty of the acting mayor or presiding officer of the city council, for the time being, to exercise such power or perform such act or executive function as fully as if expressly named in the ordinance, unless it shall be therein otherwise expressly provided, or such act would be in derogation of the charter.

In all cases where any ordinance shall require any act to be done in a "reasonable time," or "reasonable notice" to be given to any person, such reasonable time or notice shall be deemed to mean such time only as may be necessary in the prompt execution of such duty or compliance with notice.

ADOPTING AND PUBLISHING ORDINANCE.

AN ORDINANCE ADOPTING THE REVISED ORDINANCE OF THE CITY OF JOLIET AND PROVIDING FOR THE PUBLICATION THEREOF.

Be it ordained by the City Council of the City of Joliet:

SECTION 1. That the foregoing chapters, prepared and submitted by Robert T. Kelly, City Clerk of said city, numbered from one to fifty-three inclusive, and more particularly described by their respective titles as follows, to wit:

CHAPTER 1. Animals, Pound, Pound-master.

2. Arrests.
3. Auctions and Auctioneers.
4. Billiard, Pool and Bagattille Tables and Bowling Alleys.
5. Bridges.
6. Bridewell.
7. Buildings.
8. City Attorney.
9. Corporation Counsel.
10. City Clerk.

CHAPTER 11. City Collector.

12. City Treasurer.
13. Corporate Seal.
14. City Surveyor.
15. City Council.
16. City Warrants.
17. Dogs.
18. Elections.
19. Fees.
20. Fire Department.
21. Fire Limits.
22. Fiscal Year.
23. Gunpowder.
24. Health.
25. Intoxicating Liquor.
26. Licenses.
27. Markets.
28. Misdemeanors.
29. Nuisances.
30. Officers.
31. Oil.
32. Oil Inspector.
33. Pawnbrokers.
34. Peddlers.
35. Police Department.
36. Police Magistrate.
37. Porters and Runners.
38. Public Library.

CHAPTER 39. Railroads.

40. Scavengers.
41. Schools.
42. Shows and Exhibitions.
43. Shooting Galleries.
44. Sidewalks.
45. Streets and Superintendent of Streets.
46. Supplies and Claims.
47. Trees.
48. Vehicles.
49. Vagrants,
50. Wards.
51. Weights and Measures.
52. Wood and Hay.
53. Ordinances.

be and the same are hereby adopted and declared to be the ordinances of said city, and shall take effect and be in force from and after the first day of July, in the year of our Lord, one thousand eight hundred and eighty-four; and it is further hereby ordered that the said chapters and ordinances together with this ordinance, be forthwith published in book form by authority of the city council of said city.

§ 2. All ordinances of the city of Joliet, heretofore passed in relation to the subject matters of, or inconsistent with any of the provisions of the foregoing chapters mentioned in Section One hereof, be, and the same are hereby severally repealed; *Provided*, That such repeal shall not affect any act done, or any act accruing or accrued, or established or any office heretofore created and continued

and provided for in any chapter mentioned in Section One hereof, or any suit, action or proceeding had or commenced in any civil case before the time when said repeal shall take effect, nor any offense committed, nor any penalty or forfeiture incurred, nor any suit or prosecution pending at the time of such repeal, for any offense committed, or for the recovery of any penalty or forfeiture incurred under any of the ordinances so repealed; *Provided*, That no ordinance, or part of an ordinance, repealed by the city council, shall be deemed to be revived by the repeal of the repealing ordinance.

Passed April 14th. A. D., 1884. Approved April 16th, A. D., 1884.

ATTEST:

THOS. J. KELLY,

ROBERT T. KELLY,

Mayor.

City Clerk.

STATE OF ILLINOIS, }
WILL COUNTY, } ss.
CITY OF JOLIET, }

I, Robert T. Kelly, Clerk of the City of Joliet, and keeper of the papers, entries, records and ordinances, do hereby certify that the foregoing is a true copy of an ordinance entitled, "An Ordinance Adopting the Revised Ordinance of the City of Joliet, and providing for the publication thereof," passed at a meeting of the City Council of said City of Joliet, held on the 14th day of April, A. D., 1884, and approved on the 16th day of April, A. D., 1884, and duly recorded upon the records of said city, and the original of which the foregoing is a cer-

tified copy, is on file in the office of the City Clerk of said city.

[L. S.]

In testimony whereof I have
hereunto set my hand and affixed
the corporate seal of the said City
of Joliet this 16th day of April,
A. D., 1884.

ROBERT T. KELLY, *City Clerk.*

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