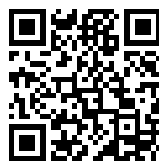

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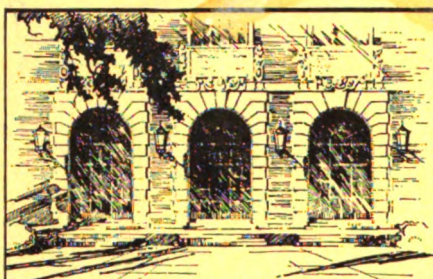


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REVISED ORDINANCES

OF THE

CITY OF QUINCY, ILLINOIS:

TO WHICH ARE PREFIXED

THE STATE CONSTITUTION,
STATE LAWS RELATING TO THE CITY,

OR SPECIALLY AFFECTING ITS INTERESTS,

STATISTICS OF THE CITY IN 1850,

A LIST OF THE PRESENT CITY OFFICERS,

AND THE

CITY CHARTER, TOGETHER WITH THE AMENDMENTS THERETO.

REVISED AND PUBLISHED BY AUTHORITY OF THE CITY COUNCIL,
Under the Supervision of Samuel Holmes, Esq., Mayor, April 1, 1852.

QUINCY:
P. CLEVELAND & CO., PRINTERS.
1852.

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REVISED

ORDER

OF THE

CITY OF CHICAGO

THE

BOARD OF

ALDERMEN

OF THE CITY

OF CHICAGO

AND

THE

COMMISSIONERS

OF THE

STREET

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1852

Law

PREFACE.

—o—

At a stated meeting of the city council of the city of Quincy held at the office of the city clerk, on Monday the third day of February, A. D. 1851:

On motion of Ald. GREEN,

The mayor was authorized and directed to procure a revision of the Ordinances of the city, and cause the same to be published as early as practicable.

A true copy of record.

Attest,

P. CLEVELAND, City Clerk.

This volume has been compiled and published, in compliance with the foregoing resolution or order. It has long been in course of preparation, and has proved a more laborious undertaking than was apprehended in the beginning. Interruptions of both a public and private nature, coupled with the difficulties of the task, have delayed its publication until the present time. It will be found to contain all the old ordinances that were deemed worthy of a re-publication, some of them essentially modified, besides a large number of new ones, such as the present and prospective condition of our young city seemed to demand. As a whole it is confidently believed, that with slight occasional modifications or additions, this compilation will be found sufficient to meet the public exigencies for many years to come.

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The revisor does not flatter himself that his task has been so well performed, as to place him beyond the reach of cavil or complaint. He is assured that some errors, discrepancies, or omissions will be found in it, in spite of his anxiety and care to secure entire accuracy in every particular. In extenuation of whatever faults may be discovered in it, he can only urge an honest desire to discharge the responsible duty imposed on him with strict fidelity.

The special acknowledgments of the compiler are due to Hon. O. C. SKINNER, of whose aid he has availed himself in the publication and arrangement of this volume ; and to whom much credit is due for whatever of merit it may be found to possess.

In conclusion, he cannot but hope that the work will be found adapted to the end and subserve the purposes for which it has been prepared. If even in a limited degree, it shall prove an auxiliary in the growth and prosperity of our beautiful and flourishing city, he will feel amply compensated for the care and labor he has expended in its compilation.

SAM'L HOLMES.

Quincy, March, 1852.

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CONSTITUTION

OF THE

STATE OF ILLINOIS.

ADOPTED BY THE CONVENTION AUGUST 31, 1847, RATIFIED BY VOTE OF THE
PEOPLE, MARCH 6, 1848, AND IN FORCE FROM AND AFTER APRIL 1, 1848.

PREAMBLE.

WE, the PEOPLE of the State of Illinois—grateful to ALMIGHTY God for the civil, political and religious liberty, which He hath so long permitted us to enjoy, and looking to Him for a blessing upon our endeavors to secure and transmit the same unimpaired to succeeding generations—in order to form a more perfect government, establish justice, insure domestic tranquility, provide for the common defence, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this constitution for the State of Illinois.

ARTICLE I.

BOUNDARIES.

SECTION 1. The boundaries and jurisdiction of the State shall be as follows, to wit: Beginning at the mouth of the Wabash river; thence up the same, and with the line of Indiana, to the north-west corner of said State; thence east with the line of the same State, to the middle of lake Michigan; thence north, along the middle of said lake, to north latitude forty-two degrees and thirty minutes; thence west to the middle of the Mississippi river, and thence down, along the middle of that river, to its confluence with the Ohio river; and thence up the latter river, along its north-western shore, to the place of beginning; *Provided*, that this State shall exercise such jurisdiction upon the Ohio river as she is now entitled to, or such as may hereafter be agreed upon by this State and the State of Kentucky.

ARTICLE II.

CONCERNING THE DISTRIBUTION OF THE POWERS OF GOVERNMENT.

§ 1. The powers of the government of the State of Illinois shall be divided into three distinct departments, and each of them be confided to a separate body, of magistracy, to wit: Those which are legislative, to one; those which are executive to another, and those which are judicial to another.

§ 2. No person, or collection of persons, being one of these departments, shall exercise any power belonging to either of the others, except as hereinafter expressly directed or permitted, and all acts in contravention of this section shall be void.

ARTICLE III.

OF THE LEGISLATIVE DEPARTMENT.

§ 1. The legislative authority of this State shall be vested in a general assembly; which shall consist of a senate and house of representatives, both to be elected by the people.

§ 2. The first election for senators and representatives shall be held on the Tuesday after the first Monday in November, one thousand eight hundred and forty-eight; and thereafter, elections for members of the general assembly shall be held once in two years, on the Tuesday next after the first Monday in November, in each and every county, at such places therein as may be provided by law.

§ 3. No person shall be a representative who shall not have attained the age of twenty-five years; who shall not be a citizen of the United States, and three years an inhabitant of this State; who shall not have resided within the limits of the county or district in which he shall be chosen twelve months next preceding his election, if such county or district shall have been so long erected; but if not, then within the limits of the county or counties, district or districts, out of which the same shall have been taken, unless he shall have been absent on the public business of the United States, or of this State; and who moreover, shall not have paid a State or county tax.

§ 4. No person shall be a senator who shall not have attained the age of thirty years; who shall not be a citizen of

the United States, five years an inhabitant of this State, and one year in the county or district in which he shall be chosen immediately preceding his election, if such county or district shall have been so long erected; but if not, then within the limits of the county or counties, district or districts, out of which the same shall have been taken, unless he shall have been absent on the public business of the United States, or of this State, and shall not, moreover, have paid a State or county tax.

§ 5. The senators at their first session herein provided for shall be divided by lot, as near as can be, into two classes. The seats of the first class shall be vacated at the expiration of the second year, and those of the second class at the expiration of the fourth year; so that one half thereof, as near as possible, may be biennially chosen forever thereafter.

§ 6. The senate shall consist of twenty-five members, and the house of representatives shall consist of seventy-five members, until the population of the State shall amount to one million souls, when five members may be added to the house, and five additional members for every five hundred thousand inhabitants thereafter, until the whole number of representatives shall amount to one hundred; after which, the number shall neither be increased or diminished; to be apportioned among the several counties according to the number of white inhabitants. In all future apportionments, where more than one county shall be thrown into a representative district, all the representatives to which said counties may be entitled shall be elected by the entire district.

§ 7. No person elected to the general assembly shall receive any civil appointment within this State, or to the senate of the United States, from the governor, the governor and senate, or from the general assembly, during the term for which he shall have been elected; and all such appointments, and all votes given for any such member for any such office or appointment, shall be void; nor shall any member of the general assembly be interested, either directly or indirectly, in any contract with the state, or any county thereof, authorized by any law passed during the time for which he shall have been elected, or during one year after the expiration thereof.

§ 8. In the year one thousand eight hundred and fifty-five, and every tenth year thereafter, an enumeration of all the inhabitants of this State shall be made, in such manner as shall be directed by law; and in the year eighteen hundred and fifty, and every tenth year thereafter, the census taken by authority of the government of the United States shall be adopted by the general assembly as the enumeration of this State; and the number of senators and representatives shall, at the first regular session holden after the returns herein provided for are made, be apportioned among the several counties or districts to be established by law, according to the number of white inhabitants.

§ 9. Senatorial and representative districts shall be composed of contiguous territory bounded by county lines; and only one senator allowed to each senatorial, and not more than three representatives to any representative district; *Provided*, that cities and towns containing the requisite population may be erected into separate districts.

§ 10. In forming senatorial and representative districts, counties containing a population of not more than one-fourth over the existing ratio, shall form separate districts, and the excess shall be given to the nearest county or counties not having a senator or representative, as the case may be, which has the largest white population.

§ 11. The first session of the general assembly shall commence on the first Monday of January, one thousand eight hundred and forty-nine; and forever after, the general assembly shall meet on the first Monday of January next ensuing the election of the members thereof, and at no other period, unless as provided by this constitution.

§ 12. The senate and house of representatives, when assembled, shall each choose a speaker and other officers, (the speaker of the senate excepted.) Each house shall judge of the qualifications and election of its members, and sit upon its own adjournments. Two-thirds of each house shall constitute a quorum; but a smaller number may adjourn from day to day, and compel the attendance of absent members.

§ 13. Each house shall keep a journal of its proceedings, and publish them. The yeas and nays of the members on any ques-

tion shall, at the desire of any two of them, be entered on the journals.

§ 14. Any two members of either house shall have liberty to dissent and protest against any act or resolution, which they may think injurious to the public, or to any individual, and have the reasons of their dissent entered on the journals.

§ 15. Each house may determine the rules of its proceedings, punish its members for disorderly behavior, and, with the concurrence of all the members elected, expel a member, but not a second time for the same cause; and the reason for such expulsion shall be entered upon the journal, with the names of the members voting on the question.

§ 16. When vacancies shall happen in either house, the governor, or the person exercising the powers of governor, shall issue writs of election to fill such vacancies.

§ 17. Senators and representatives shall, in all cases, except treason, felony, or breach of the peace, be privileged from arrest during the session of the general assembly, and in going to and returning from the same; and for any speech or debate in either house, they shall not be questioned in any other place.

§ 18. Each house may punish, by imprisonment during its session, any person, not a member, who shall be guilty of disrespect to the house, by any disorderly or contemptuous behavior in their presence; *Provided*, such imprisonment shall not, at any one time, exceed twenty-four hours.

§ 19. The doors of each house, and of committees of the whole, shall be kept open, except in such cases as in the opinion of the house require secrecy. Neither house shall, without the consent of the other, adjourn for more than two days, nor to any other place than that in which the two houses shall be sitting.

§ 20. The style of the laws of this State shall be: "*Be it enacted by the People of the State of Illinois, represented in the general assembly.*"

§ 21. Bills may originate in either house, but may be altered, amended, or rejected by the other; and on the final passage of all bills, the vote shall be by ayes and noes, and shall be en-

tered on the journal; and no bill shall become a law without the concurrence of a majority of all the members elect in each house:

§ 22. Bills making appropriations for the pay of the members and officers of the general assembly, and for the salaries of the government, shall not contain any provision on any other subject.

§ 23. Every bill shall be read on three different days in each house, unless, in case of urgency, three-fourths of the house, where such bill is so depending, shall deem it expedient to dispense with this rule; and every bill, having passed both houses, shall be signed by the speakers of their respective houses; and no private or local law which may be passed by the general assembly shall embrace more than one subject, and that shall be expressed in the title. And no public act of the general assembly shall take effect or be in force until the expiration of sixty days from the end of the session at which the same may be passed, unless in case of emergency the general assembly shall otherwise direct.

§ 24. The sum of two dollars per day, for the first forty-two days' attendance, and one dollar per day, for each day's attendance thereafter, and ten cents for each necessary mile's travel, going to and returning from the seat of government, shall be allowed to the members of the general assembly as a compensation for their services, and no more. The speaker of the house of representatives shall be allowed the sum of one dollar per day, in addition to his per diem as a member.

§ 25. The per diem and mileage allowed to each member of the general assembly shall be certified by the speakers of their respective houses, and entered on the journals, and published at the close of each session.

§ 26. No money shall be drawn from the treasury, but in consequence of appropriations made by law; and an accurate statement of the receipts and expenditures of the public money shall be attached to, and published with, the laws at the rising of each session of the general assembly. And no person, who has been or may be a collector or holder of public moneys, shall

be eligible to a seat in either house of the general assembly, nor be eligible to any office of profit or trust in this State, until such person shall have accounted for, and paid into the treasury, all sums for which he may be accountable.

§ 27. The house of representatives shall have the sole power of impeaching; but a majority of all the members elected must concur in an impeachment. All impeachments shall be tried by the senate; and when sitting for that purpose, the senate shall be upon oath, or affirmation, to do justice according to law and evidence. No person shall be convicted without the concurrence of two-thirds of the senators elected.

§ 28. The governor, and other civil officers under this State shall be liable to impeachment for any misdemeanor in office; but judgment in such cases shall not extend further than to removal from office, and disqualification to hold any office of honor, profit, or trust, under this State. The party, whether convicted or acquitted, shall, nevertheless, be liable to indictment, trial, judgment and punishment, according to law.

§ 29. No judge of any court of law or equity, secretary of state, attorney general, attorney for the state, recorder, clerk of any court of record, sheriff or collector, member of either house of congress, or person holding any lucrative office under the United States or of this State—provided that appointments in the militia, or justices of the peace, shall not be considered lucrative offices—shall have a seat in the general assembly; nor shall any person, holding any office of honor or profit under the government of the United States, hold any office of honor or profit under the authority of this State.

§ 30. Every person who shall be chosen or appointed to any office of trust or profit shall, before entering upon the duties thereof, take an oath to support the constitution of the United States, and of this State, and also an oath of office.

§ 31. The general assembly shall have full power to exclude from the privilege of electing, or being elected, any person convicted of bribery, perjury, or other infamous crime.

§ 32. The general assembly shall have no power to grant divorces, but may authorize the courts of justice to grant them for such cause as may be specified by law; *Provided*, that such laws be general and uniform in their operation.

§ 33. The general assembly shall never grant or authorise extra compensation to any public officer, agent, servant, or contractor, after the service shall have been rendered, or the contract entered into.

§ 34. The general assembly shall direct by law in what manner suits may be brought against the State.

§ 35. The general assembly shall have no power to authorise lotteries for any purpose, nor to revive or extend the charter of the state bank, or the charter of any other bank heretofore existing in this State, and shall pass laws to prohibit the sale of lottery tickets in this State.

§ 36. The general assembly shall have no power to authorise, by private or special law, the sale of any lands or other real estate belonging in whole or in part to any individual or individuals.

§ 37. Each general assembly shall provide for all the appropriations necessary for the ordinary and contingent expenses of the government until the adjournment of the next regular session, the aggregate amount of which shall not be increased without a vote of two-thirds of each house, nor exceed the amount of revenue authorized by law to be raised in such time ; *Provided*, the State may, to meet casual deficits or failures in revenues, contract debts never to exceed in the aggregate fifty thousand dollars ; and the moneys thus borrowed shall be applied to the purpose for which they were obtained, or to repay the debt thus made, and to no other purpose ; and no other debt, except for the purpose of repelling invasion, suppressing insurrection, or defending the State in war, (for payment of which the faith of the State shall be pledged,) shall be contracted, unless the law authorising the same shall, at a general election, have been submitted to the people, and have received a majority of all the votes cast for members of the general assembly at such election. The general assembly shall provide for the publication of said law for three months at least before the vote of the people shall be taken upon the same ; and provisions shall be made, at the time, for the payment of the interest annually, as it shall accrue, by a tax levied for the purpose, or from other sources of revenue ; which law, providing for the payment of such interest by such tax, shall be irrevocable.

able until such debt be paid; *And provided further*, that the law levying the tax shall be submitted to the people with the law authorizing the debt to be contracted.

§ 38. The credit of the State shall not, in any manner, be given to, or in aid of, any individual, association, or corporation.

§ 39. The general assembly shall provide, by law, that the fuel and stationery furnished for the use of the State, the copying, printing, binding, and distributing the laws and journals, and all other printing ordered by the general assembly, shall be let, by contract, to the lowest responsible bidder; and that no member of the general assembly, or other officer of the State, shall be interested, either directly or indirectly, in any such contract; *Provided* that the general assembly may fix a maximum price.

§ 40. Until there shall be a new apportionment of senators and representatives, the senate shall be divided into senatorial and representative districts, and the senators and representatives shall be apportioned among the several districts as follows, viz:

SENATORIAL DISTRICTS.

1. The counties of Alexander, Union, Pulaski, Johnson, Massac, Pope, and Hardin shall constitute the first senatorial district, and shall be entitled to one senator.

2. The counties of Gallatin, Saline, Williamson, Franklin, and White shall constitute the second senatorial district, and be entitled to one senator.

3. The counties of Jefferson, Wayne, Marion, and Hamilton shall constitute the third senatorial district, and be entitled to one senator.

4. The counties of Washington, Perry, Randolph, and Jackson shall constitute the fourth senatorial district, and be entitled to one senator.

5. The counties of St. Clair and Monroe shall constitute the fifth senatorial district, and be entitled to one senator.

6. The counties of Madison and Clinton shall constitute the sixth senatorial district, and be entitled to one senator.

7. The counties of Christian, Shelby, Montgomery, Bond, and Fayette shall constitute the seventh senatorial district, and be entitled to one senator.

8. The counties of Effingham, Jasper, Clay, Richland, Lawrence, Edwards, and Wabash shall constitute the eighth senatorial district, and be entitled to one senator.

9. The counties of Edgar, Clark, and Crawford shall constitute the ninth senatorial district, and be entitled to one senator.

10. The counties of Vermilion, Champaign, Piatt, Moultrie, Coles, and Cumberland shall constitute the tenth senatorial district, and be entitled to one senator.

11. The counties of Tazewell, McLean, Logan, De Witt, and Macon shall constitute the eleventh senatorial district, and be entitled to one senator.

12. The counties of Sangamon, Menard, and Mason shall constitute the twelfth senatorial district, and be entitled to one senator.

13. The counties of Macoupin, Jersey, Green, and Calhoun shall constitute the thirteenth senatorial district, and be entitled to one senator.

14. The counties of Morgan, Scott, and Cass shall constitute the fourteenth senatorial district, and be entitled to one senator.

15. The counties of Adams and Pike shall constitute the fifteenth senatorial district, and be entitled to one senator.

16. The counties of McDonough, Schuyler, Brown, and Highland shall constitute the sixteenth senatorial district, and be entitled to one senator.

17. The counties of Hancock and Henderson shall constitute the seventeenth senatorial district, and be entitled to one senator.

18. The counties of Fulton and Peoria shall constitute the eighteenth senatorial district, and be entitled to one senator.

19. The counties of Rock Island, Henry, Mercer, Warren, Knox, and Stark shall constitute the nineteenth senatorial district, and be entitled to one senator.

20. The counties of La Salle, Bureau, Putnam, Marshall,

Woodford, Livingston, and Grundy shall constitute the twentieth senatorial district, and be entitled to one senator.

21. The counties of Du Page, Kendall, Will, and Iroquois shall constitute the twenty-first senatorial district, and be entitled to one senator.

22. The counties of Ogle, Lee, De Kalb, and Kane shall constitute the twenty-second senatorial district, and be entitled to one senator.

23. The counties of Jo Daviess, Stephenson, Carroll, and Whiteside shall constitute the twenty-third senatorial district, and be entitled to one senator.

24. The counties of McHenry, Boone, and Winnebago shall constitute the twenty-fourth senatorial district, and be entitled to one senator.

25. The counties of Cook and Lake shall constitute the twenty-fifth senatorial district, and be entitled to one senator.

REPRESENTATIVE DISTRICTS.

1. The counties of Union, Alexander, and Pulaski shall constitute the first representative district, and be entitled to one representative.

2. The counties of Massac, Pope, and Hardin shall constitute the second representative district, and be entitled to one representative.

3. The counties of Gallatin and Saline shall constitute the third representative district, and be entitled to one representative.

4. The counties of Johnson and Williamson shall constitute the fourth representative district, and be entitled to one representative.

5. The counties of Jackson and Franklin shall constitute the fifth representative district, and be entitled to one representative.

6. The counties of Marion, Jefferson, Wayne, and Hamilton shall constitute the sixth representative district, and be entitled to three representatives; *Provided*, that no county in said district shall have more than one of said representatives,

and the county from which a senator shall be selected shall not be entitled to a representative residing in said county.

7. The county of White shall constitute the seventh representative district, and be entitled to one representative.

8. The counties of Wabash and Edwards shall constitute the eighth representative district, and be entitled to one representative.

9. The counties of Lawrence and Richland shall constitute the ninth representative district, and be entitled to one representative.

10. The counties of Crawford and Jasper shall constitute the tenth representative district, and be entitled to one representative.

11. The county of Coles shall constitute the eleventh representative district, and be entitled to one representative.

12. The county of Clark shall constitute the twelfth representative district, and be entitled to one representative.

13. The counties of Cumberland, Effingham, and Clay shall constitute the thirteenth representative district, and be entitled to one representative.

14. The county of Fayette shall constitute the fourteenth representative district, and be entitled to one representative.

15. The counties of Montgomery, Bond, and Clinton shall constitute the fifteenth representative district, and be entitled to two representatives.

16. The counties of Washington and Perry shall constitute the sixteenth representative district, and be entitled to one representative.

17. The county of Randolph shall constitute the seventeenth representative district, and be entitled to one representative.

18. The county of Monroe shall constitute the eighteenth representative district, and be entitled to one representative.

19. The county of St. Clair shall constitute the nineteenth representative district, and be entitled to one representative.

20. The county of Madison shall constitute the twentieth representative district, and shall be entitled to two representatives.

21. The county of Macoupin shall constitute the twenty-first representative district, and be entitled to one representative.

22. The counties of Jersey and Greene shall constitute the twenty-second representative district, and be entitled to two representatives.

23. The county of Scott shall constitute the twenty-third representative district, and be entitled to one representative.

24. The county of Morgan shall constitute the twenty-fourth representative district, and be entitled to two representatives.

25. The counties of Cass and Menard shall constitute the twenty-fifth representative district, and be entitled to one representative.

26. The county of Sangamon shall constitute the twenty-sixth representative district, and be entitled to two representatives.

27. The counties of Mason and Logan shall constitute the twenty-seventh representative district, and be entitled to one representative.

28. The county of Tazewell shall constitute the twenty-eighth representative district, and be entitled to one representative.

29. The counties of McLean and De Witt shall constitute the twenty-ninth representative district, and be entitled to one representative.

30. The county of Vermilion shall constitute the thirtieth representative district, and be entitled to one representative.

31. The county of Edgar shall constitute the thirty-first representative district, and be entitled to one representative.

32. The counties of Champaign, Piatt, Moultrie, and Macon shall constitute the thirty-second representative district, and be entitled to one representative.

33. The counties of Shelby and Christian shall constitute the thirty-third representative district, and be entitled to one representative.

34. The counties of Pike and Calhoun shall constitute the thirty-fourth representative district, and be entitled to two representatives.

35. The counties of Adams, Highland, and Brown shall constitute the thirty-fifth representative district, and be entitled to three representatives.

36. The county of Schuyler shall constitute the thirty-sixth representative district, and be entitled to one representative.

37. The county of Hancock shall constitute the thirty-seventh representative district, and be entitled to two representatives.

38. The county of McDonough shall constitute the thirty-eighth representative district, and be entitled to one representative.

39. The county of Fulton shall constitute the thirty-ninth representative district, and be entitled to two representatives.

40. The county of Peoria shall constitute the fortieth representative district, and be entitled to one representative.

41. The county of Knox shall constitute the forty-first representative district, and be entitled to one representative.

42. The counties of Mercer, Warren, and Henderson shall constitute the forty-second representative district, and be entitled to two representatives.

43. The counties of Rock Island, Henry, and Stark shall constitute the forty-third representative district, and be entitled to one representative.

44. The counties of Whiteside and Lee shall constitute the forty-fourth representative district, and be entitled to one representative.

45. The counties of Carroll and Ogle shall constitute the forty-fifth representative district, and be entitled to one representative.

46. The counties of Jo Daviess and Stephenson shall constitute the forty-sixth representative district, and be entitled to two representatives.

47. The county of Winnebago shall constitute the forty-seventh representative district, and be entitled to one representative.

48. The counties of Putnam, Marshall, and Woodford shall constitute the forty-eighth representative district, and be entitled to one representative.

49. The counties of La Salle, Grundy, Livingston, and Bureau shall constitute the forty-ninth representative district, and be entitled to two representatives.

50. The counties of Du Page, Kendall, Will, and Iroquois shall constitute the fiftieth representative district, and be entitled to three representatives.

51. The counties of Kane and De Kalb shall constitute the fifty-first representative district, and be entitled to two representatives.

52. The counties of Boone and McHenry shall constitute the fifty-second representative district, and be entitled to two representatives.

53. The county of Lake shall constitute the fifty-third representative district, and be entitled to one representative.

54. The county of Cook shall constitute the fifty-fourth representative district, and be entitled to two representatives.

§ 41. Until the general assembly shall otherwise provide, the clerks of the county commissioners' courts in each of the aforesaid senatorial districts, and in such of the representative districts as may be composed of more than one county, shall meet at the county seat of the oldest county in said district, within thirty days next after any election for senator or representative therein, for the purpose of comparing and canvassing the votes given at such election; and the said clerks shall in all other respects conform to the laws on the subject in force at the time of the adoption of this constitution.

ARTICLE IV.

OF THE EXECUTIVE DEPARTMENT.

§ 1. The executive power of the state shall be vested in a governor.

§ 2. The first election of governor shall be held on Tuesday next after the first Monday in November, A. D. 1848; and the next election shall be held on Tuesday next after the first Monday of November, A. D. 1852; and thereafter an election for governor shall be held once in four years, on Tues-

day next after the first Monday of November. The governor shall be chosen by the electors of the members of the general assembly, at the same places and in the same manner that they shall, respectively, vote for members thereof. The returns for every election of governor shall be sealed up, and transmitted to the seat of government, by the returning officers, directed to the speaker of the house of representatives, who shall open and publish them in the presence of a majority of the members of each house of the general assembly. The person having the highest number of votes shall be governor; but if two or more shall be equal and highest in votes, then one of them shall be chosen governor by joint ballot of both houses of the general assembly. Contested elections shall be determined by both houses of the general assembly, in such a manner as shall be prescribed by law.

§ 3. The first governor shall enter upon the duties of his office on the second Monday of January, A. D. 1849, and shall hold his office until the second Monday of January, A. D. 1853, and until his successor shall have been elected and qualified; and thereafter the governor shall hold his office for the term of four years, and until his successor shall have been elected and qualified; but he shall not be eligible to such office more than four years in any term of eight years, nor to any other office until after the expiration of the term for which he was elected.

§ 4. No person except a citizen of the United States shall be eligible to the office of governor; nor shall any person be eligible to that office who shall not have attained the age of thirty-five years, and been ten years a resident of this State, and fourteen years a citizen of the United States.

§ 5. The governor shall reside at the seat of government, and receive a salary of fifteen hundred dollars per annum, which shall not be increased or diminished; and he shall not during the time for which he shall have been elected, receive any emolument from the United States, or either of them.

§ 6. Before he enters upon the duties of his office, he shall take the following oath or affirmation, to wit: "I do solemnly swear (or affirm) that I will faithfully execute the duties appertaining to the office of governor of the State of Illinois;

and will, to the best of my ability, preserve, protect, and defend the constitution of this state ; and will, also, support the constitution of the United States.”

§ 7. He shall, from time to time, give the general assembly information of the state of the government, and recommend to their consideration such measures as he shall deem expedient.

§ 8. The governor shall have power to grant reprieves, commutations, and pardons, after conviction, for all offences, except treason and cases of impeachment, upon such conditions and with such restrictions and limitations as he may think proper, subject to such regulations as may be provided by law relative to the manner of applying for pardons. Upon conviction for treason, he shall have power to suspend the execution of the sentence until the case shall be reported to the general assembly at its next meeting, when the general assembly shall pardon the convict, commute the sentence, direct the execution thereof, or grant a further reprieve. He shall, biennially, communicate to the general assembly each case of reprieve, commutation, or pardon granted, stating the name of the convict, the crime for which he was convicted, the sentence and its date, and the date of commutation, pardon or reprieve.

§ 9. He may require information in writing from the officers in the executive department, upon any subject relating to the duties of their respective offices, and shall take care that the laws be faithfully executed.

§ 10. He may, on extraordinary occasions, convene the general assembly by proclamation, and shall state in said proclamation the purpose for which they are to convene ; and the general assembly shall enter on no legislative business except that for which they were specially called together.

§ 11. He shall be commander-in-chief of the army and navy of this state, and of the militia, except when they shall be called into the service of the United States.

§ 12. The governor shall nominate, and, by and with the advice and consent of the senate (a majority of all the senators concurring,) appoint all officers whose offices are established by this constitution, or which may be created by law, and whose appointments are not otherwise provided for ; and

no such officer shall be appointed or elected by the general assembly.

§ 13. In case of a disagreement between the two houses with respect to the time of adjournment, the governor shall have power to adjourn the general assembly to such time as he thinks proper, provided it be not to a period beyond the next constitutional meeting of the same.

§ 14. A lieutenant governor shall be chosen at every election of governor, in the same manner, continue in office for the same time, and possess the same qualifications. In voting for governor and lieutenant governor, the electors shall distinguish whom they vote for as governor, and whom as lieutenant governor.

§ 15. The lieutenant governor shall, by virtue of his office, be speaker of the senate, have a right, when in committee of the whole, to debate and vote on all subjects, and, whenever the senate are equally divided, to give the casting vote.

§ 16. Whenever the government shall be administered by the lieutenant governor, or he shall be unable to attend as speaker of the senate, the senators shall elect one of their own number as speaker for that occasion; and if, during the vacancy of the office of governor, the lieutenant governor shall be impeached, removed from office, refuse to qualify, or resign, or die, or be absent from the state, the speaker of the senate shall, in like manner, administer the government.

17. The lieutenant governor, while he acts as speaker of the senate, shall receive for his services the same compensation which shall, for the same period, be allowed to the speaker of the house of representatives, and no more.

§ 18. If the lieutenant governor shall be called upon to administer the government, and shall, while in such administration, resign, die, or be absent from the state, during the recess of the general assembly, it shall be the duty of the secretary of state, for the time being, to convene the senate for the purpose of choosing a speaker.

§ 19. In case of the impeachment of the governor, his absence from the state, or inability to discharge the duties of his office, the powers, duties, and emoluments of the office shall

devolve upon the lieutenant governor ; and in case of his death, resignation or removal, then upon the speaker of the senate for the time being, until the governor, absent or impeached, shall return or be acquitted ; or until the disqualification or inability shall cease ; or until a new governor shall be elected and qualified.

§ 20. In case of a vacancy in the office of governor, for any other cause than those herein enumerated, or in case of the death of the governor elect before he is qualified, the powers, duties, and emoluments of the office shall devolve upon the lieutenant governor, or speaker of the senate, as above provided, until a new governor, be elected and qualified.

§ 21. Every bill which shall have passed the senate and house of representatives shall, before it becomes a law be presented to the governor ; if he approve, he shall sign it ; but if not, he shall return it, with his objections, to the house in which it shall have originated ; and the said house shall enter the objections at large on their journal, and proceed to reconsider it. If, after such reconsideration, a majority of the members elected shall agree to pass the bill, it shall be sent, together with the objections, to the other house, by which it shall likewise be reconsidered ; and if approved by a majority of the members elected, it shall become a law, notwithstanding the objections of the governor ; but in all such cases the votes of both houses shall be determined by yeas and nays, to be entered on the journals of each house, respectively. If any bill shall not be returned by the governor within ten days (Sunday excepted) after it shall have been presented to him, the same shall be a law, in like manner as if he had signed it, unless the general assembly shall, by their adjournment, prevent its return ; in which case, the said bill shall be returned on the first day of the meeting of the general assembly after the expiration of said ten days, or be a law.

§ 22. There shall be elected by the qualified electors of this state, at the same time of the election for governor, a secretary of state, whose term of office shall be the same as that of the governor, who shall keep a fair register of the official acts of the governor, and when required, shall lay the same, and all

papers, minutes, and vouchers relative thereto, before either branch of the general assembly, and shall perform such other duties as shall be assigned him by law, and shall receive a salary of eight hundred dollars per annum, and no more, except fees; *Provided*, that if the office of secretary of state should be vacated by death, resignation, or otherwise, it shall be the duty of the governor to appoint another, who shall hold his office until another secretary shall be elected and qualified.

§ 23. There shall be chosen, by the qualified electors throughout the state, an auditor of public accounts, who shall hold his office for the term of four years, and until his successor is qualified, and whose duties shall be regulated by law, and who shall receive a salary, exclusive of clerk hire, of one thousand dollars per annum, for his services, and no more.

§ 24. There shall be elected, by the qualified electors throughout the state, a state Treasurer, who shall hold his office for two years, and until his successor is qualified; whose duties may be regulated by law, and who shall receive a salary of eight hundred dollars per annum, and no more.

§ 25. All grants and commissions shall be sealed with the great seal of state, signed by the governor or person administering the government, and countersigned by the secretary of state.

§ 26. The governor and all other civil officers shall be liable to impeachment for misdemeanor in office, during their continuance in office, and for two years thereafter.

ARTICLE V.

OF THE JUDICIARY DEPARTMENT.

§ 1. The judicial power of this state shall be, and is hereby, vested in one supreme court, in circuit courts, in county courts, and in justices of the peace; *Provided*, that inferior local courts, of civil and criminal jurisdiction, may be established by the general assembly in the cities of this state, but such courts shall have a uniform organization and jurisdiction in such cities.

§ 2. The supreme court shall consist of three judges, two

of whom shall form a quorum ; and the concurrence of two of said judges shall in all cases be necessary to a decision.

§ 3. The state shall be divided into three grand divisions, as nearly equal as may be, and the qualified electors of each division shall elect one of the said judges for the term of nine years ; *Provided*, that after the first election of such judges, the general assembly may have the power to provide a law for their election by the whole state, or by divisions, as they may deem most expedient.

§ 4. The office of one of the said judges shall be vacated, after the first election held under this article, in three years ; of one, in six years ; and of one, in nine years ; to be decided by lot, so that one of said judges shall be elected once in three years. The judge having the longest term to serve shall be the first chief justice ; after which, the judge having the oldest commission shall be chief justice.

§ 5. The supreme court may have original jurisdiction in cases relative to the revenue, in cases of *mandamus*, *habeas corpus*, and in such cases of impeachment as may be by law directed to be tried before it, and shall have appellate jurisdiction in all other cases.

§ 6. The supreme court shall hold one term annually in each of the foresaid grand divisions, at such time and place, in each of said divisions, as may be provided for by law.

§ 7. The state shall be divided into nine judicial districts ; in each of which one circuit judge shall be elected by the qualified electors thereof, who shall hold his office for the term of six years, and until his successor shall be commissioned and qualified, *Provided*, that the general assembly may increase the number of circuits to meet the future exigencies of the state.

§ 8. There shall be two or more terms of the circuit court held, annually, in each county of this state, at such times as shall be provided by law ; and said courts shall have jurisdiction in all cases at law and equity, and in all cases of appeals from all inferior courts.

§ 9. All vacancies in the supreme and circuit courts, shall be filled by elections aforesaid ; *Provided, however*, that if the unexpired term does not exceed one year, such vacancy may be filled by executive appointment.

§ 10. The judges of the supreme court shall receive a salary of twelve hundred dollars per annum, payable quarterly, and no more. The judges of the circuit courts shall receive a salary of one thousand dollars per annum, payable quarterly, and no more. The judges of the supreme and circuit courts shall not be eligible to any other office or public trust, of profit, in this state, or the United States, during the term for which they are elected, nor for one year thereafter. All votes for either of them for any elective office, (except that of judge of the supreme or circuit court,) given by the general assembly, or the people, shall be void.

§ 11. No person shall be eligible to the office of judge of any court of this state who is not a citizen of the United States, and who shall not have resided in this state five years next preceding his election, and who shall not for two years next preceding his election have resided in the division, circuit, or county in which he shall have been elected; nor shall any person be elected judge of the supreme court who shall be, at the time of his election, under the age of thirty five years; and no person shall be eligible to the office of judge of the circuit court until he shall have attained the age of thirty years.

§ 12. For any reasonable cause, to be entered on the journals of each house, which shall not be sufficient ground for impeachment, both justices of the supreme court, and judges of the circuit court, shall be removed from office, on the vote of two-thirds of the members elected to each branch of the general assembly; *Provided, always*, that no member of either house of the general assembly shall be eligible to fill the vacancy occasioned by such removal; *Provided, also*, that no removal shall be made unless the justice or judge complained of shall have been served with a copy of the complaint against him, and shall have an opportunity of being heard in his defence.

§ 13. The first election for justice of the supreme court and judges of the circuit courts shall be held on the first Monday of September, 1848.

§ 14. The second election for one justice of the supreme court shall, be held on the first Monday of June, 1852; and

every three years thereafter an election shall be held for one justice of the supreme court.

§ 15. On the first Monday in June, 1855, and every sixth year thereafter, an election shall be held for judges of the circuit courts; *Provided*, whenever an additional circuit is created, such provision may be made as to hold the second election of such additional judge at the regular elections herein provided.

§ 16. There shall be, in each county, a court, to be called a county court.

§ 17. One county judge shall be elected by the qualified voters of each county, who shall hold his office for four years, and until his successor is elected and qualified.

§ 18. The jurisdiction of said court shall extend to all probate and such other jurisdiction as the general assembly may confer in civil cases and such as may be prescribed by law, where the punishment is by fine only, not exceeding one hundred dollars.

§ 19. The county Judge, with such justices of the peace in each county as may be designated by law, shall hold terms for the transaction of county business, and shall perform such other duties as the general assembly, shall prescribe; *Provided*, the general assembly may require that two justices, to be chosen by the qualified electors of each county, shall sit with the county judge in all cases; and there shall be elected, quadrennially, in each county, a clerk of the county court, who shall be *ex officio* recorder, whose compensation shall be fees; *Provided*, the general assembly may, by law, make the clerk of the circuit court *ex officio* recorder, in lieu of the county clerk.

§ 20. The general assembly shall provide for the compensation of the county judge.

§ 21. The clerks of the supreme and circuit courts, and states attorneys, shall be elected at the first special election for judges. The second election for clerks of the supreme court shall be held on the first Monday in June, 1855, and every sixth year thereafter. The second election for clerks of the circuit courts, and state's attorneys, shall be held on the Tuesday next after the first Monday of November, 1852, and every fourth year thereafter.

§ 22. All judges and state's attorneys shall be commissioned by the governor.

§ 23. The election of all officers, and the filling of all vacancies that may happen by death, resignation, or removal, not otherwise directed or provided for by this constitution, shall be made in such manner as the general assembly shall direct; *Provided*, that no such officer shall be elected by the general assembly.

§ 24. The general assembly may authorize the judgements, decrees, and decisions of any local, inferior court of record, of original, civil, or criminal jurisdiction, established in a city, to be removed, for revision, directly into the supreme court.

§ 25. County judges, clerks, sheriffs, and other country officers, for wilful neglect of duty, or misdemeanor in office, shall be liable to presentment or indictment by a grand jury, and trial by a petit jury, and, upon conviction, shall be removed from office.

§ 26. All process, writs, and other proceedings shall run in the name of "*The people of the state of Illinois.*" All prosecutions shall be carried on "*In the name and by the authority of the people of the state of Illinois,*" and conclude, "*Against the peace and dignity of the same.*"

§ 27. There shall be elected in each county in this state, in such districts as the general assembly may direct, by the qualified electors thereof, a competent number of justices of the peace, who shall hold their offices for the term of four years, and until their successors shall have been elected and qualified, and who shall perform such duties, receive such compensation, and exercise such jurisdiction as may be prescribed by law.

§ 28. There shall be elected in each of the judicial circuits of this State, by the qualified electors thereof, one state's attorney, who shall hold his office for the term of four years, and until his successor shall be commissioned and qualified; who shall perform such duties and receive such compensation as may be prescribed by law; *Provided*, that the general assembly may hereafter provide by law for the election, by the qualified voters of each county in this State, of one county attorney for each county, in lieu of the state's attorneys,

provided for in this section; the term of office, duties, and compensation of which county attorneys shall be regulated by law.

§ 29. The qualified electors of each county in this State shall elect a clerk of the circuit court, who shall hold his office for the term of four years, and until his successor shall have been elected and qualified; who shall perform such duties and receive such compensation as may be prescribed by law. The clerks of the supreme court shall be elected, in each division, by the qualified electors thereof, for the term of six years, and until their successors shall have been elected and qualified; whose duties and compensation shall be provided by law.

§ 30. The first grand division, for the election of judges of the supreme court, shall consist of the counties of Alexander, Pulaski, Massac, Pope, Hardin, Gallatin, Saline, Williamson, Johnson, Union, Jackson, Randolph, Perry, Franklin, Hamilton, White, Wabash, Edwards, Wayne, Jefferson, Washington, Monroe, Saint Clair, Clinton, Marion, Clay, Richland, Lawrence, Crawford, Jasper, Effingham, Fayette, Bond, Madison, Jersey, and Calhoun.

The second grand division shall consist of the counties of Edgar, Coles, Moultrie, Shelby, Montgomery, Macoupin, Green, Pike, Adams, Highland, Hancock, McDonough, Schuyler, Brown, Fulton, Mason, Cass, Morgan, Scott, Sangamon, Christian, Macon, Piatt, Champaign, Vermilion, De Witt, Logan, Menard, Cumberland, and Clark.

The third grand division shall consist of the counties of Henderson, Warren, Knox, Peoria, Tazewell, Woodford, McLean, Livingston, Iroquois, Will, Grundy, Kendall, La Salle, Putnam, Marshall, Stark, Bureau, Henry, Mercer, Rock Island, Whiteside, Lee, Carroll, Jo Daviess, Stephenson, Winnebago, Ogle, De Kalb, Boone, Kane, McHenry, Lake, Cook, and Du Page.

§ 31. The terms of the supreme court for the first division shall be held at Mount Vernon, in Jefferson county; for the second division, at Springfield, in Sangamon county; for the third division, at Ottawa, in La Salle county, until some other place in either division is fixed by law.

§ 32. Appeals and writs of error may be taken from the

circuit court of any county to the supreme court held in the division which includes such county, or with the consent of all the parties in the cause, to the supreme court in the next adjoining division.

§ 33. The foregoing districts may, after the taking of each census by the State, be altered, if necessary, to equalize the said districts in population ; but such alteration shall be made by adding to such district such adjacent county or counties as will make said district nearest equal in population ; *Provided*, no such alteration shall affect the office of any judge then in office.

ARTICLE VI.

ON ELECTIONS AND THE RIGHT OF SUFFRAGE.

§ 1. In all elections, every white male citizen above the age of twenty-one years, having resided in the State one year next preceding any election, shall be entitled to vote at any such election ; and every white male inhabitant of the age aforesaid, who may be a resident of the State at the time of the adoption of this constitution, shall have the right of voting as aforesaid ; but no such citizen or inhabitant shall be entitled to vote, except in the district or county in which he shall actually reside at the time of such election.

§ 2. All votes shall be given by ballot.

§ 3. Electors shall, in all cases, except treason, felony, or breach of the peace, be privileged from arrest during their attendance at elections, and in going to and returning from the same.

§ 4. No elector shall be obliged to do military duty on the days of election, except in time of war or public danger.

§ 5. No elector shall be deemed to have lost his residence in this State by reason of his absence on the business of the United States, or of this State.

§ 6. No soldier, seaman, or marine, in the army or navy of the United States, shall be deemed a resident of this State, in consequence of being stationed at any military or naval place within the same.

§ 7. No person shall be elected or appointed to any office in this State, civil or military, who is not a citizen of the United States, and who shall not have resided in this State one year next before the election or appointment.

§ 8. The general assembly shall have full power to pass laws excluding from the right of suffrage persons convicted of infamous crimes.

§ 9. The general elections shall be held on the Tuesday next after the first Monday of November, biennially, until otherwise provided by law.

ARTICLE VII.

OF COUNTIES.

§ 1. No new county shall be formed or established by the general assembly, which will reduce the county or counties, or either of them, from which it shall be taken, to less contents than four hundred square miles; nor shall any county be formed of less contents; nor shall any line thereof pass within less than ten miles of any county seat of the county or counties proposed to be divided.

§ 2. No county shall be divided, or have any part stricken therefrom, without submitting the question to a vote of the people of the county, nor unless a majority of all the legal voters of the county voting on the question shall vote for the same.

§ 3. All territory that has been stricken off, by legislative enactment, from any organized county or counties, for the purpose of forming a new county, and which shall remain unorganized after the period provided for such organization, shall be and remain a part of the county or counties from which it was originally taken, for all purposes of county and state government, until otherwise provided by law.

§ 4. There shall be no territory stricken from any county unless a majority of the voters living in such territory shall petition for such division; and no territory shall be added to any county without the consent of a majority of the voters of the county to which it is proposed to be added.

§ 5. No county seat shall be removed until the point to which it is proposed to be removed shall be fixed by law, and a majority of the voters of the county shall have voted in favor of its removal to such point.

§ 6. The general assembly shall provide, by a general law, for a township organization, under which any county may organise whenever a majority of the voters of such county, at any general election, shall so determine; and whenever any county shall adopt a township organization, so much of this constitution as provides for the management of the fiscal concerns of the said county by the county court may be dispensed with, and the affairs of said county may be transacted in such manner as the general assembly may provide.

§ 7. There shall be elected in each county in this State, by the qualified electors thereof, a sheriff, who shall hold his office for the term of two years, and until his successor shall have been elected and qualified; *Provided*, no person shall be eligible to the said office more than once in four years.

ARTICLE VIII.

MILITIA.

§ 1. The militia of the State of Illinois shall consist of all free male able-bodied persons, (negroes, mulattoes, and Indians excepted,) resident of the State, between the ages of eighteen and forty-five years, except such persons as now are or hereafter may be exempted by the laws of the United States or of this State, and shall be armed, equipped, and trained as the general assembly may provide by law.

§ 2. No person or persons, conscientiously scrupulous of bearing arms, shall be compelled to do militia duty in time of peace, provided such person or persons shall pay an equivalent for such exemption.

§ 3. Company, battalion, and regimental officers, staff officers excepted, shall be elected by the persons composing their several companies, battalions, and regiments.

§ 4. Brigadier and major generals shall be elected by the officers of the brigades and divisions, respectively.

§ 5. All militia officers shall be commissioned by the governor, and may hold their commissions for such time as the legislature may provide.

§ 6. The militia shall, in all cases, except treason, felony, or breach of the peace, be privileged from arrest during their attendance at musters and election of officers, and in going and returning from the same.

ARTICLE IX.

OF THE REVENUE.

§ 1. The general assembly may, whenever they shall deem it necessary, cause to be collected from able-bodied, free white male inhabitants of this state, over the age of twenty one years and under the age of sixty years, who are entitled to the right of suffrage, a capitation tax of not less than fifty cents, nor more than one dollar each.

§ 2. The general assembly shall provide for levying a tax by valuation, so that every person and corporation shall pay a tax in proportion to the value of his or her property; such value to be ascertained by some person or persons to be elected or appointed in such manner as the general assembly shall direct, and not otherwise; but the general assembly shall have power to tax pedlars, auctioneers, brokers, hawkers, merchants, commission merchants, showmen, jugglers, innkeepers, grocery keepers, toll bridges and ferries, and persons using and exercising franchises, and privileges, in such manner as they shall from time to time direct.

§ 3. The property of the state and counties, both real and personal, and such other property as the general assembly may deem necessary for school, religious, and charitable purposes, may be exempted from taxation.

§ 4. Hereafter no purchaser of any land or town lot, at any sale of lands or town lots for taxes due either to this state or any county, or incorporated town or city within the same; or at any sale for taxes or levies authorized by the laws of this state, shall be entitled to a deed for the lands or town lot so purchased until he or she shall have complied with the following conditions, to wit: Such purchaser shall serve, or cause to

be served, a written notice of such purchase on every person in possession of such land or town lot three months before the expiration of the time of redemption on such sale ; in which notice he shall state when he purchased the land or town lot, the description of land or lot he has purchased, and when the time of redemption will expire. In like manner he shall serve on the person or persons in whose name or names such land or lot is taxed, a similar written notice, if such person or persons shall reside in the county where such land or lot shall be situated ; and in the event that the person or persons in whose name or names the land or lot is taxed do not reside in the county, such purchaser shall publish such notice in some newspaper printed in such county ; and if no newspaper is printed in the county ; then in the nearest newspaper that is published in this state to the county in which such lot or land is situated ; which notice shall be inserted three times, the last time not less than three months before the time of redemption shall expire. Every such purchaser, by himself or agent, shall, before he shall be entitled to a deed, make an affidavit of his having complied with the conditions of this section, stating particularly the facts relied on as such compliance ; which affidavit shall be delivered to the person authorized by law to execute such tax deed, and which shall by him be filed with the officer having custody of the records of lands and lots sold for taxes and entries of redemption in the county where such land or lot shall lie, to be, by such officer entered on the records of his office and carefully preserved among the files of his office ; and which record or affidavit shall be *prima facie* evidence that such notice has been given. Any person swearing falsely in such affidavit shall be deemed guilty of perjury, and punished accordingly. In case any person shall be compelled under this section to publish a notice in a newspaper, then, before any person who may have a right to redeem such land or lot from tax sale, shall be permitted to redeem, he or she shall pay the officer or person who by law is authorized to receive such redemption money, the printer's fee for publishing such notice and the expenses of swearing or affirming to the affidavit, and filing the same.

§ 5. The corporate authorities, of counties, townships, school districts, cities, towns, and villages may be vested with power to assess and collect taxes for corporate purposes; such taxes to be uniform in respect to persons and property within the jurisdiction of the body composing the same. And the general assembly shall require that all the property within the limits of municipal corporations belonging to individuals shall be taxed for the payment of debts contracted under authority of law.

§ 6. The specification of the objects and subjects of taxation shall not deprive the general assembly of the power to require other objects or subjects to be taxed in such manner as may be consistent with the principles of taxation fixed in this constitution.

ARTICLE X.

CORPORATIONS.

§ 1. Corporations, not possessing banking power or privileges, may be formed under general laws, but shall not be created by special acts, except for municipal purposes, and, in cases where, in the judgment of the general assembly, the objects of the corporation cannot be attained under general laws.

§ 2. Dues from corporations, not possessing banking power or privileges, shall be secured by such individual liabilities of the corporators, or other means, as may be prescribed by law.

§ 3. No state bank shall hereafter be created, nor shall the state own or be liable for any stock in corporation or joint stock association for banking purposes, to be hereafter created.

§ 4. The stockholders in every corporation, or joint stock association, for banking purposes, issuing bank notes, or any kind or paper credits to circulate as money, shall be individually responsible, to the amount of their respective share or shares of stock in any such corporation or association, for all its debts and liabilities of every kind.

§ 5 No act of the general assembly, authorizing corpora-

tions or associations with banking powers, shall go into effect, or in any manner be in force, unless the same shall be submitted to the people at the general election next succeeding the passage of the same, and be approved by a majority of all the votes cast at such election for and against such law.

§ 6. The general assembly shall encourage internal improvements, by passing liberal general laws of incorporation for that purpose.

ARTICLE XI.

COMMONS.

All lands which have been granted, as a "common," to the inhabitants of any town, hamlet, village or corporation, by any person, body politic or corporate, or by any government having power to make such grant, shall forever remain common to the inhabitants of such town, hamlet, village, or corporation; but the said commons, or any of them, or any part thereof, may be divided, leased, or granted, in such manner as may hereafter be provided by law, on petition of a majority of the qualified voters interested in such commons, or any of them.

ARTICLE XII.

AMENDMENTS TO THE CONSTITUTION.

§ 1. Whenever two thirds of all the members elected to each branch of the general assembly shall think it necessary to alter or amend this constitution, they shall recommend to the electors, at the next election of members of the general assembly, to vote for or against a convention; and if it shall appear that a majority of all the electors of the State voting for representatives have voted for a convention, the general assembly shall at their next session, call a convention, to consist of as many members as the house of representatives at the time of making said call, to be chosen in the same manner, at the same place, and by the same electors, in the same districts, that chose the members of the house of representatives; and which conven-

tion shall meet within three months after the said election, for the purpose of revising, altering, or amending this constitution.

§ 2. Any amendment or amendments to this constitution may be proposed in either branch of the general assembly; and if the same shall be agreed to by two-thirds of all the members elect in each of the two houses, such proposed amendment or amendments shall be referred to the next regular session of the general assembly, and shall be published at least three months previous to the time of holding the next election for members of the house of representatives; and if, at the next regular session of the general assembly after said election, a majority of all the members elect in each branch of the general assembly shall agree to said amendment or amendments, then it shall be their duty to submit the same to the people at the next general election, for their adoption or rejection, in such manner as may be prescribed by law; and if a majority of all the electors voting at such election for members of the house of representatives shall vote for such amendment or amendments, the same shall become a part of the constitution. But the general assembly shall not have power to propose an amendment or amendments to more than one article of the constitution at the same session.

ARTICLE XIII.

That the general, great, and essential principles of liberty and free government may be recognised and unalterably established, WE DECLARE:

§ 1. That all men are born equally free and independent, and have certain inherent and indefeasible rights, among which are those of enjoying and defending life and liberty, and of acquiring, possessing, and protecting property and reputation, and of pursuing their own happiness.

§ 2. That all power is inherent in the people, and all free governments are founded on their authority, and instituted for their peace, safety, and happiness.

§ 3. That all men have a natural and indefeasible right to worship Almighty God according to the dictates of their own

consciences ; that no man can of right be compelled to attend, erect, or support any place of worship, or to maintain any ministry against his consent ; that no human authority can, in any case whatever, control or interfere with the rights of conscience and that no preference shall ever be given by law to any religious establishments or modes of worship.

§ 4. That no religious tests shall ever be required as a qualification to any office or public trust under this State.

§ 5. That all elections shall be free and equal.

§ 6. That the right of trial by jury shall remain inviolate ; and shall extend to all cases at law, without regard to the amount in controversy.

§ 7. That the people shall be secure in their persons, houses, papers, and possessions, from unreasonable searches and seizures ; and that general warrants, whereby an officer may be commanded to search suspected places without evidence of the fact committed, or to seize any person or persons not named whose offences are not particularly described and supported by evidence, are dangerous to liberty, and ought not to be granted.

§ 8. That no freeman shall be imprisoned or disseized of his freehold, liberties, or privileges, or outlawed or exiled, or in any manner deprived of his life, liberty or property, but by the judgment of his peers, or the law of the land.

§. 9. That in all criminal prosecutions, the accused hath a right to be heard by himself and counsel ; to demand the nature and cause of the accusation against him ; to meet the witnesses face to face ; to have compulsory process to compel the attendance of witnesses in his favor ; and in prosecutions by indictment or information, a speedy public trial by an impartial jury of the county or district wherein the offence shall be committed, which county or district shall have been previously ascertained by law ; and that he shall not be compelled to give evidence against himself.

§ 10. No person shall be held to answer for a criminal offence unless on the presentment or indictment of a grand jury, except in cases of impeachment, or in cases cognizable by justices of the peace, or arising in the army or navy, or in the

militia, when in actual service in time of war or public danger ; *Provided*, that justices of the peace shall try no person, except as a court of inquiry, for any offence punishable with imprisonment or death, or fine above one hundred dollars.

§ 11. No person shall, for the same offence, be twice put in jeopardy of his life or limb ; nor shall any man's property be taken or applied to public use without the consent of his representatives in the general assembly, nor without just compensation being made to him.

§ 12. Every person within this State ought to find a certain remedy in the laws, for all injuries or wrongs which he may receive in his person, property or character ; he ought to obtain right and justice freely, and without being obliged to purchase, completely and without denial, promptly and without delay, conformably to the laws.

§ 13. That all persons shall be bailable by sufficient sureties, unless for capital offences where the proof is evident or the presumption great ; and the privilege of the writ of *habeas corpus* shall not be suspended, unless, when, in cases of rebellion or invasion, the public safety may require it.

§ 14. All penalties shall be proportioned to the nature of the offence ; the true design of all punishment being to reform, not to exterminate mankind.

§ 15. No person shall be imprisoned for debt, unless upon refusal to deliver up his estate for the benefit of his creditors, in such manner as shall be prescribed by law, or in cases where there is strong presumption of fraud.

§ 16. There shall be neither slavery nor involuntary servitude in this State, except as a punishment for crime whereof the party shall have been duly convicted.

§ 17. No *ex post facto* law, nor any law impairing the obligation of contracts, shall ever be made ; and no corruption of blood or forfeiture of estate.

§ 18. That no person shall be liable to be transported out of this State for any offence committed within the same.

§ 19. That a frequent recurrence to the fundamental principles of civil government is absolutely necessary to preserve the blessings of liberty.

§ 20. The military shall remain in strict subordination to the civil power.

§ 21. That the people have a right to assemble together in a peaceable manner to consult for their common good, to instruct their representatives, and to apply to the general assembly for redress of grievances.

§ 22. No soldier shall, in time of peace, be quartered in any house without the consent of the owner; nor in any time of war, except in manner prescribed by law.

§ 23. The printing presses shall be free to every person who undertakes to examine the proceedings of the general assembly, or of any branch of government; and no law shall ever be made to restrain the right thereof. The free communication of thoughts and opinions is one of the invaluable rights of man; and every citizen may freely speak, write, and print on any subject, being responsible for the abuse of that liberty.

§ 24. In prosecutions for the publication of papers investigating the official conduct of officers, or of men acting in a public capacity, or when the matter published is proper for public information, the truth thereof may be given in evidence; and in all indictments for libels, the jury shall have the right of determining both the law and the fact, under the direction of the court, as in other cases.

§ 25. Any person who shall, after the adoption of this constitution, fight a duel, or send or accept a challenge for that purpose, or be aider or abettor in fighting a duel, shall be deprived of the right of holding any office of honor or profit in this state, and shall be punished otherwise, in such manner as is or may be prescribed by law.

§ 26. That from and after the adoption of this constitution, every person who shall be elected or appointed to any office of profit, trust, or emolument, civil or military, legislative, executive, or judicial, under the government of this state, shall, before he enters upon the duties of his office, in addition to the oath prescribed in this constitution, take the following oath: "I do solemnly swear (or affirm, as the case may be,) that I have not fought a duel, nor sent or accepted a challenge to fight a duel, the probable issue of which might have been the

death of either party, nor been a second to either party, nor in any manner aided or assisted in such duel, nor been knowingly the bearer of such challenge or acceptance, since the adoption of the constitution; and that I will not be so engaged or concerned, directly or indirectly, in or about such a duel; during my continuance in office. So help me God."

ARTICLE XIV.

§ 1. The general assembly shall, at its first session under the amended constitution, pass such laws as will effectually prohibit free persons of color from immigrating to, and settling in this state; and to effectually prevent the owners of slaves from bringing them into this state, for the purpose of setting them free.

ARTICLE XV.

§ 1. There shall be annually assessed and collected, in the same manner as other state revenue may be assessed and collected, a tax of two mills upon each dollar's worth of taxable property, in addition to all other taxes, to be applied as follows, to wit: The fund so created shall be kept separate, and shall, annually, on the first day of January, be apportioned and paid over *pro rata* upon all such state indebtedness, other than the canal and school indebtedness, as may for that purpose be presented by the holders of the same, to be entered as credits upon, and, to that extent, in extinguishment of the principal of said indebtedness.

SCHEDULE.

That no inconvenience may arise from the alterations and amendments made in the constitution of this state, and to carry the same into complete effect, it is hereby ordained and declared.

§ 1. That all laws in force at the adoption of this constitu-

tion, not inconsistent therewith, and all rights, actions, prosecutions, claims, and contracts of this state, individuals or bodies corporate, shall continue and be as valid as if this constitution had not been adopted.

§ 2. That all fines, penalties, and forfeitures due and owing to the state of Illinois under the present constitution and laws, shall enure to the use of the people of the state of Illinois under this constitution.

§ 3. Recognizances, bonds, obligations, and all other instruments entered into or executed, before the adoption of this constitution, to the people of the state of Illinois, to any state or county officer or public body, shall remain binding and valid, and rights and liabilities upon the same shall continue, and all crimes and misdemeanors shall be tried and punished as though no change had been made in the constitution of the state.

§ 4. The "article XI," entitled "commons," is hereby adopted as a part of the constitution of this state, without being submitted to be voted upon by the people.

i § 5. That at the first election fixed by the constitution for the election of judges, there shall be elected one circuit judge in each of the nine judicial circuits now established in this state.

§ 6. The county commissioners' courts and the probate justices of the several counties shall continue in existence and exercise their present jurisdiction until the county court, provided in this constitution, is organized in pursuance of an act of the general assembly to be passed at its first session.

§ 7. That the clerk of the circuit court, in each county fixed by this constitution as the place for holding the supreme court, except in the county of Sangamon, shall be *ex officio* clerk of the supreme court, until the clerks of said court shall be elected and qualified, as provided in this constitution, and all laws now in force, in relation to the clerk of the supreme court, shall be applicable to said clerks and their duties.

§ 8. That the sheriffs, state's attorneys, and all other officers elected under this constitution shall perform such duties as shall be prescribed by law.

§ 9. That the oaths of office herein required to be taken

may be administered by a justice of the peace until otherwise provided by law.

§ 10. That this constitution shall be submitted to the people for their adoption or rejection at an election to be held on the first Monday in March, A. D. 1848, and there shall also be submitted for adoption or rejection at the same time, the separate articles in relation to the emigration of colored persons, and the public debt.

§ 11. That every person entitled to a vote for members of the general assembly, by the constitution and laws now in force, shall on the first Monday in March, A. D. 1848, be entitled to vote for the adoption or rejection of this constitution, and for and against the aforesaid articles separately submitted, and the said qualified electors shall vote in the counties in which they respectively reside, at the usual place of voting, and not elsewhere; and the said election shall be conducted according to the laws now in force in relation to the election of governor, so far as applicable, except as herein otherwise provided.

§ 12. That the poll book to be used at said election shall, as nearly as practicable, be in the following form, to wit:

POLL BOOK of an election held at ——— precinct, in the county of ———, on the first Monday of March, A. D. 1848, for the adoption or rejection of the Constitution and the separate articles submitted.

NAMES OF THE VOTERS.	Adoption of Constitution.	Rejection of Constitution.	For the article for the colored persons.	Against the article in relation to the colored persons.	For the article for the two mill tax.	Against the article in relation to the two mill tax.
A. B.	1	.....	1	.....	1	.....
C. D.		1	2	.....	2	.....
.....			.....	1	3	.....
.....	2	.....	3	.....	.....	1

§ 13. That the returns of the voters for the adoption or rejection of this constitution, and for and against the separate articles submitted, shall be made to the secretary of state within fifty days after the election, and the returns of the votes shall, within five days thereafter, be examined and canvassed by the auditor, treasurer, and secretary of state, or any two of them, in the presence of the governor, and proclamation shall be made by the governor forthwith, of the result of the polls. If it shall appear that a majority of all votes

polled are for the adoption of this constitution, it shall be the supreme law of the land, from and after the 1st day of April, A. D. 1848; but if it shall appear that a majority of the votes polled were given against the constitution, the same shall be null and void. If it shall further appear that a majority of the votes polled shall have been given for the separate article in relation to colored persons, or the article for the two mill tax, then said article, or articles, shall be and form a part of this constitution; otherwise said article, or articles, shall be null and void.

§ 14. That if this constitution shall be ratified by the people, the governor shall forthwith, after having ascertained the fact, issue writs of election to the sheriffs of the several counties in this state, or, in case of vacancy, to the coroners, for the election of all the officers the time of whose election is fixed by this constitution, or schedule; and it shall be the duty of said sheriffs or coroners to give at least twenty days' notice of the time and place of said election, in the manner now prescribed by law.

§ 15. The general assembly shall, at its first session after the adoption of this constitution, provide by law for the mode of voting by ballot, and also for the manner of returning, canvassing and certifying the number of votes cast at any election; and until said law shall be passed, all elections shall be *viva voce*, and the law now in force regulating elections shall continue in force until the general assembly shall provide otherwise, as herein directed.

§ 16. That the first general election of governor, secretary of state, auditor, treasurer, and members of the general assembly, and of such other officers as are to be elected at the same time, shall be held on the first Monday of August, eighteen hundred and forty-eight, anything in this constitution to the contrary notwithstanding. County officers then elected shall hold their respective offices until their successors are elected or appointed, in conformity with laws hereafter enacted.

§ 17. That returns of the election of justices of the supreme, and judges of the circuit courts, secretary of state,

auditor, and treasurer, shall be made and canvassed as is now provided by law for representatives in congress; and returns for members of the general assembly and county officers shall be made and canvassed as is now provided by law.

§ 18. That all laws of the State of Illinois, and all official writings, and the executive, legislative, and judicial proceedings shall be conducted, preserved and published in no other than the English language.

§ 19. On the first Monday in December, one thousand eight hundred and forty-eight, the term of office of judges of the supreme court, state's attorneys, and of the clerks of the supreme and circuit courts, shall expire; and on said day the term of office of the judges, state's attorneys, and clerks elected under the provisions of this constitution, shall commence. The judges of the supreme court elected as aforesaid, shall have and exercise the powers and jurisdiction conferred upon the present judges of that court; and the said judges of the circuit courts shall have and exercise the powers and jurisdiction conferred upon the judges of those courts, subject to the provisions of this constitution.

§ 20. On the first Monday of December, one thousand eight hundred and forty-eight, jurisdiction of all suits, and proceedings then pending in the present supreme court, shall become vested in the supreme court established by this constitution, and shall be finally adjudicated by the court where the same may be pending. The jurisdiction of all suits and proceedings then pending in the circuit courts of the several counties, shall be vested in the circuit courts of said counties.

§ 21. The Cook and Jo Daviess county courts shall continue to exist, and the judges and other officers of the same remain in office until otherwise provided by law.

§ 22. Until otherwise provided by law, the terms of the supreme court shall be held as follows: In the first division, on the first Monday of December, A. D. 1848, and annually thereafter; in the second division, on the third Monday of December, 1848, and annually thereafter; in the third division, on the first Monday of February, A. D. 1849, and annually thereafter. The sheriffs of Jefferson and La Salle

counties shall perform the same duties and receive the same compensation as is required and provided for the sheriff of Sangamon county, until otherwise provided by law.

§ 23. Nothing in this constitution shall prevent the general assembly from passing such laws in relation to the apprenticeship of minors, during their minority, as may be necessary and proper.

§ 24. That the general assembly shall pass all laws necessary to carry into effect the provisions of this constitution.

§ 25. Elections of judges of the supreme and circuit courts shall be subjected to be contested.

§ 26. Contested elections of judges of the supreme court shall be tried by the senate, and of judges of the circuit court by the supreme court; and the general assembly shall prescribe the manner of proceeding therein.

Done in convention, at the capitol, in the city of Springfield, on the thirty-first day of August, in the year of our Lord one thousand eight hundred and forty-seven, and of the independence of the United States of America the seventy-second.

STATE LAWS,
RELATING TO THE CITY,
AND AFFECTING ITS INTERESTS.

City Warrants.

- SEC. 1. Warrant or order to be drawn for only one amount on one claim or allowance.
2. Warrant to be drawn in favor of the person to whom due and no other.
 3. Warrant payable only to payee or his legal representatives.
 4. Penalty for violating this act, and how recovered.

SECTION 1. In all cases in which any city or town in this State shall be indebted to any person or persons, on any account whatsoever, a warrant or voucher shall be drawn on the treasurer of such city or town, for the whole amount found due to such person, by the tribunal having power to audit and allow against such city or town; and such tribunal shall not in any case draw more than one warrant or voucher, for the amount allowed to one individual at one time.

§ 2. No warrant or voucher drawn on the treasurer of any city or town, shall be drawn in favor of any other person than the one to whom the same may be due, and such warrant or voucher may be in the form now prescribed by law.

§ 3. No treasurer of any city or town in this State, shall pay any warrant or voucher drawn on him, unless such warrant shall be presented for payment by the person in whose favor such warrant is drawn, or his assignee, or executor, or administrator.

§ 4. Any officer or officers of any town or city, that shall be guilty of violating the provisions of this chapter, shall be deemed guilty of a misdemeanor in office; and for every such violation shall be fined in a sum not exceeding five hundred dollars, to be recovered by indictment.

Approved March 3, 1845.

[107th chapter of Revised Statutes.

An Act to incorporate towns and cities.

SEC. 1. Persons violating ordinances may be compelled to work on the streets, instead of imprisonment.

2. City may declare what shall be a nuisance.

3. Power of city to grade streets, &c.; mode of compelling owners to fill up, &c.

NOTE—Sections four, five, six and seven omitted.

8. City may purchase ground without the limits of the city.

9. City may collect taxes by judgment in circuit court, and through state officers.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the general assembly,* That any incorporated town or city in this state may have power to provide by ordinance that every person against whom any judgment may hereafter be recovered, in favor of said town or city, for a penalty or fine for a breach of any ordinance, instead of being committed to jail, may be required to labor on the streets until the whole fine and costs shall be paid, at the same rate per day as may be allowed as a forfeiture for a failure to perform street labor under the direction of the street commissioner.

§ 2. The corporate authorities of any city or town in this State may have power to declare what shall be a nuisance, and to prevent and remove the same as much as one-half mile beyond the limits of the corporation, with full power to impose a fine for a violation of any ordinance to that effect.

§ 3. Whenever it may be necessary to pave or grade any street or front lots, or to fill up or alter any lot that may be declared to be a nuisance, said corporate authorities may have power, upon the failure of the owner of any lot to pave, grade or fill up said lot, or to pay the taxes or fine that may be assessed on the owner or owners thereof, to require that said lot or so much thereof as may be necessary, shall be sold for the payment of the tax or fine and cost, in the manner authorized for the collection of other taxes, and all assessments so made shall constitute a lien on said lot.

§ 8. The inhabitants of any town or city, in the corporate name, may purchase, receive, and hold real estate beyond their corporate limits for the purpose of burying ground.

§ 9. Whenever the corporate authorities of any town or city may wish to have the taxes, authorized to be levied under and by virtue of their respective charters, or under the general act, upon filing a certificate of the rate authorized under the authority of the said corporation, in the office of the clerk of the county court, it shall be the duty of the collector of taxes for the state and county to collect the taxes for said town or city upon the assessment of the value of all the property within the limits of said corporation, as ascertained by the assessment for state and county purposes, and enforce the payment thereof in the same manner, and with all the rights, power and authority as he has to collect state and county taxes, and shall pay the same over to the order of the corporate authorities at the same time, he is required to pay over the county revenue, and the court of the proper county shall render judgment and order sale of any lot or tract for non-payment of the tax and cost due said town or city, as is or may be provided for state and county taxes; and judgment and sale shall be rendered for the aggregate amount due for county, state and town, or city taxes. The collector shall receive the same compensation for collecting the taxes for any town or city, as is allowed for the collection of the state and county revenue; to be paid out of the funds of the corporation, and he shall be liable on his bond for the faithful performance of the duties required under this act.

§ 10. This act to take effect from and after its passage.

Approved February 10, 1849.

An Act to erect the city of Quincy into a common school district.

- SEC. 1. Limits and name of school district.
2. City council to have direction of schools, and may appoint superintendent. Proviso, and power to pass ordinances.
 3. How school fund to be used and paid over. Disposition of real estate, &c.
 4. Settlement between townships.
 5. Abstract of children to be furnished school commissioner.
 6. Vote to be taken on this act.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the portion of Township two (2) south nine west, and of township (1) south, nine west of the fourth principal meridian, lying within the corporate limits of the city of Quincy, with such parts of said townships as may hereafter be incorporated with, and come under the jurisdiction of, said city, be, and the same are hereby erected into a common school district, to be known as and called the "Quincy School District."

§ 2. The care and superintendence of the common schools within the city of Quincy, together with the funds and estate, both real and personal, belonging to, and which may be conveyed to said Quincy school district, shall devolve upon the city council of the city of Quincy; and they shall have power to appoint, at their first meeting after their annual election in each year, a general superintendent of public schools for said city of Quincy, whose term of office shall be for one year, and until his successor be duly elected and qualified; and his duties and the amount of his salary shall be defined by the city council of the city of Quincy: *Provided, however,* that said salary shall, at no time, be paid out of the school fund belonging to said Quincy school district; and said city council shall have power to make all laws and ordinances necessary and proper for the management of said common schools, not inconsistent with the constitution of this State.

§ 3. The township funds, and estate real and personal, belonging to said townships one (1) south, nine (9) west, and two (2) south, nine (9) west, shall be divided between the city of Quincy and the portions of said townships lying with-

out the city of Quincy, as follows: The Trustees of schools of township two (2) south and nine west, shall, within three months from and after the passage of this act, appoint three respectable householders, one from the city of Quincy, one from township one (1) south, nine (9) west, residing out of said city, and one from township two (2) south, nine (9) west, residing out of said city; who, or a majority of whom, after being duly sworn, well and truly to perform their duty, shall ascertain, as nearly as may be, the number of white persons under the age of twenty years residing within said townships, respectively, both within and without the limits of said city of Quincy; and they shall divide and apportion the aforesaid township funds and estate according to the number of children under the age aforesaid residing in said townships, respectively, within and without the city of Quincy, and shall pay over and deliver to said city the distributive share of the respective township funds and estate aforesaid, to which the said Quincy school district may be entitled, according to the number of white person under the age aforesaid, residing in said townships, respectively, and within the limits of said city of Quincy; and the said commissioners shall have power to make their deed of partition, and convey to the city of Quincy its distributive share of the real estate belonging to the school fund of the respective townships, aforesaid; and in case the commissioners, appointed as aforesaid, shall refuse or neglect to perform the duties aforesaid, within one month from the time of their appointment, the said trustees of township two (2) south, nine (9) west, shall have power to appoint others in their stead, either in or out of said city of Quincy, who shall, in like manner, be sworn, and perform the duties assigned to the first mentioned commissioners; and said trustees shall have power to make appointments and fill vacancies in the same, until the objects of this act are carried into effect: *Provided*, the same shall be done within twelve months from and after the passage of this act.

§ 4. The trustees of schools of township one (1) south nine (9) west, and township two (2) south, nine (9) west, respectively, shall, upon such partition being made, pay over

and deliver, to the city of Quincy, the funds and deeds to which said Quincy school district may be entitled, according to the division and distribution aforesaid, and shall take from the clerk of the city of Quincy a receipt for the same.

§ 5. It shall be the duty of the city council of the city of Quincy to cause to be furnished, to the school commissioner of Adams county, an abstract of the whole number of white children, under the age of twenty years, residing in said Quincy district, within ten days after the number shall be ascertained; and the said school commissioner shall annually pay to the clerk of the city of Quincy the proportion of the school, college and seminary fund to which the said Quincy district may be entitled, according to the number of children under the age aforesaid, residing in said district, taking his receipt for the same: *Provided*, that no abstract of the number of children as aforesaid, residing in said Quincy school district, shall be returned to said school commissioner oftener than once in two years, as required in other school districts.

§ 6. This act shall have effect whenever a majority of all the legal voters of said township one (1) south, nine (9) west and two (2) south, nine (9) west, shall vote in favor of its provisions.

Approved, February 27, 1847.

NOTE.—This act was adopted by the requisite vote.

An Act to exempt firemen in the cities of Peoria and Quincy from serving as jurors.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the general assembly,* That hereafter every person who may be an acting member of an organized fire company in the cities of Peoria and Quincy, in the State of Illinois, shall, during the time that he continues such acting member, be free and exempt from serving as a juror in any case whatever.

Approved, February 12, 1849.

An Act exempting members of fire companies of the city of Quincy from road labor.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the general assembly, That all members of any fire company of the city of Quincy, residing in said city during the time he shall remain a member of such company, and comply with the rules and perform the duties thereof, shall be exempt from all road and street labor.*

§ 2. This act shall not be construed so as to exempt any person from any tax upon property. This act shall take effect from and after its passage.

Approved February 12, 1849.

NOTE.—Fire companies may become incorporated under a general law of this State. (25 chap. rev. stat.)

An Act to provide for the assessment of property in the city of Quincy, for State taxes, and for the collection of taxes therein for the year one thousand eight hundred and fifty, and for subsequent years, and for exempting the city of Quincy from the operation of the law authorizing township organization.

- SEC. 1. City assessor to assess state tax and to take oath.
 2. City collector to collect state tax and give bond.
 3. City exempt from township organization law, but may vote on question.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the general assembly, That it shall be the duty of the city assessor, for the time being, of the city of Quincy, to assess all property, real and personal, within the limits of said city, for state taxes of the year one thousand eight hundred and fifty, and each and every subsequent year; said assessor first being sworn faithfully to discharge the duties appertaining to such office as now provided by law in the case of county assessors.*

§ 2. That it shall be the duty of the city collector of said city of Quincy, to collect the state taxes for the year one thou-

sand eight hundred and fifty, due on the property within the limits of said city, as assessed by the assessor, as provided for in the foregoing section; and also that the successor or successors of said collector shall hereafter collect all state taxes which may be assessed against the property within the said city limits, he or they first giving bond as is now required by law to be done by sheriffs, who are *ex officio* collectors in their several counties, and subject to all restrictions and requirements of the revenue laws now in force.

§ 3. That the city of Quincy shall be exempt from the provisions of the act for township organization, heretofore passed or that may be hereafter passed; *Provided*, that nothing in this act shall prevent the legal voters in the city of Quincy from voting on township organization at the regular election held by the county for that purpose.

Approved Feb. 15, 1851.

An Act authorizing incorporated cities to change, alter and vacate streets or parts of streets.

SEC. 1. City may alter or vacate. Petition for same. City to release ground to owner of adjoining lot, on payment of benefits assessed.

2. How benefits and damages assessed.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the general assembly*, That when the corporate authorities of any city may deem it for the best interest of their respective cities that any street or part of a street shall be changed, altered, or vacated, said authorities shall have the power, upon the petition of the property holders owning property on such street or part of street, to change, alter, or vacate the same, and to convey, by quit-claim deed, all interest which said city may have had in the street or part of street so vacated, to the owner or owners of lots and lands next to and adjoining the same, upon the payment by such owner or owners of all assessments which may be made against their lots or lands, for and on account of benefits to the same arising from such change,

alteration or vacation of any street or part of street as aforesaid.

§ 2. The benefits and damages caused by changing, altering or vacating any street or part of street as aforesaid, shall be assessed and determined in the manner pointed out by the act incorporating such city, or by the ordinances thereof in other cases.

Approved Feb. 15, 1851.

Certified copies of corporate proceedings evidence.

Copies of all papers, books, or proceedings, or parts thereof, appertaining to transactions in their corporate capacity, of any town or city heretofore incorporated, or now incorporated, or that may hereafter be incorporated, under a general or special law of this State, certified to be true copies by the clerk or keeper of the same under the seal of said town or city, or under the private seal of said clerk or keeper, if there be no public seal; the said clerk or keeper also certifying that he is entrusted with the safe keeping of the originals of which he gives certified copies, shall be received as *prima facie* evidence of the facts so certified, in all the courts of this state, in any suit or proceeding pending before them.

Approved March 3, 1845.

[Chapter 63, section 9, of Revised Statutes.]

An Act to vacate the survey and plat of the subdivision of lots eight, nine and ten, in block one, in Randolph's addition to Quincy.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the general assembly,* That the survey and plat of the subdivision of lots number eight, nine and ten, in block number one, in John R. Randolph's addition to the town (now city) of Quincy, and county of Adams, heretofore made by Robert R. Williams, Andrew Johnston, Nehemiah

Bushnell, and recorded in the recorder's office of said county of Adams, on the twenty-fourth day of July, A. D. 1841, be and the same is hereby vacated; and the said lots eight, nine and ten are hereby restored to the condition in which they were placed by the recorded plat of the addition of John R Randolph, to said Quincy. *Provided*, the vacating the survey and plat of said subdivision shall not affect or impair the vested rights of any person or persons acquired under the same.

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

Approved February 26, 1845.

RAILROADS, &c.

An Act for the relinquishment by the state of Illinois to the city of Quincy, of her right to the bed of the railroad, as laid out through said city.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the general assembly, That* so much of the Northern Cross Railroad as runs through the city of Quincy, shall be relinquished by the said state of Illinois to the said city of Quincy, and that the said city shall be restored to all rights of way, control and privileges over said portion of said road, as said city had before said railroad was surveyed and laid out for the state; *Provided*, that nothing in this act contained shall preclude the state hereafter from the construction of a railroad over the said ground, when the public interest shall require it.

Approved March 1, 1845.

An Act to incorporate the northern cross railroad company.

- SEC. 1. Names of persons incorporated. Style of corporation. General corporate powers.
2. May establish and use road. Width of road. May take land on side of same. Route of road between Illinois and Mississippi rivers, and right to depart from same.
3. Right of corporation to state property, on purchasing same. Sale of state interest in road. Repeal of laws appropriating road to other purposes.
4. Capital stock of corporation. Organization of corporation. When may fully organize.
5. Election of directors, and their term of office. Powers of corporation. Election of president, and term of office. What a quorum.
6. Corporation to have same powers of Alton and Sangamon railroad company.
7. Construction of preceding sections.
8. May borrow money and pledge road. What may be received in payment of stock, and power to sell and pledge. Shall not do banking business.
9. Public act, and construed liberally.
10. May construct branch to Naples.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the general assembly, That* James M.

Pitman, Samuel Holmes, John Wood, Calvin A. Warren, Gersham B. Dimock, Iliam Boyle, and Isaac N. Morris, of the county of Adams, and James Brockman and James W. Singleton, of the county of Brown, and their associates, successors and assigns, are hereby created a body politic and corporate, under the name and style of the "Northern Cross Railroad Company," and by that name and style shall have perpetual succession; and said company are hereby made capable of suing and being sued, of pleading and being impleaded, of defending and being defended, in all courts in law and equity, and other places, of contracting and being contracted with; and said company shall have authority to make, have and use a common seal, and the same to renew and alter at pleasure; and said company are hereby vested with all powers, privileges and immunities which are or may be necessary to carry into effect the objects and purposes of this act hereinafter mentioned, set forth, or referred to, and to exercise and enjoy, for the purposes of said company, the rights and privileges of natural persons.

§ 2. Said company are hereby authorized and empowered to locate, construct, establish, and finally complete and hereafter use; a railroad commencing at any convenient point on the west bank of the Illinois river opposite the town of Meredosia, and running from thence on the most eligible, beneficial, expedient and practicable route, to the Mississippi river at the city of Quincy, in the county of Adams. And the said company are hereby empowered, in the construction of said railroad, to lay out said railroad wide enough for a single or double track throughout the whole length; and for the purpose of constructing the same, and for materials, stone, earth and gravel, may take and use as much more land on the sides of the same, as may be necessary for the proper construction and security of said railroad. Said company, in the construction of said railroad, shall adopt the route of that portion of the Northern Cross Railroad between the Illinois and Mississippi rivers, as laid out and surveyed by this state, but shall have the right to depart from said route at such points as may be necessary or advisable for better ground, shorter distance,

or cheapness of construction ; *Provided*, that said company, in the construction of said railroad shall terminate the same at a point opposite Meredosia.

§ 3. Said company, in the construction, completion and use of said railroad, shall have the right to use, enjoy, and have all right of way in any manner held, owned, obtained, or secured by this state for, or in the construction of that portion of the Northern Cross Railroad which lies between the Illinois and Mississippi rivers, and also all materials, stone, embankments, excavation, or other valuable thing secured, made, obtained, owned, or held by this state, and of or belonging to said portion of said Northern Cross Railroad, should they become the purchaser thereof. And it shall be the duty of the governor of this state, on request of said company in writing, to sell at public sale to the highest bidder, for any state indebtedness, payable in ninety days after the day of sale, all interest, right of way, excavation, embankment, or other valuable thing owned, secured, or held by this state, as aforesaid, in, of, or in any manner belonging to that portion of the Northern Cross Railroad aforesaid, after giving sixty days' notice of the time and place of such sale, in some public newspaper published in the county of Adams or Brown, and to execute a certificate of purchase therefor to the purchaser thereof: which said sale and certificate of purchase shall vest in such purchaser all and every right aforesaid, of this state thereto and therein, for the purposes of a railroad, and none other. All laws and parts of laws heretofore passed, appropriating said portion of said Northern Cross Railroad, or any part thereof, to any other purposes than for a railroad, are hereby repealed.

§ 4. The capital stock of said company shall be one million of dollars, and may be increased to two millions of dollars, to be divided into shares of one hundred dollars each share.—The immediate government, control and direction of the affairs and organization of said company and company franchises, shall be vested in the persons named in the first section of this act, and a majority of them shall form a quorum, with power and authority to adopt such rules and by-laws,

and other things to do and perform, necessary to the complete organization of said company, and to conducting the same, and to provide for opening books and obtaining subscriptions to the capital stock of said company, and for the calling of meetings of said company; and when one hundred shares of the capital stock of said company shall be taken and subscribed for, the said company may fully organize and go into operation in the construction and completion of said railroad.

§ 5. When said one hundred shares shall be subscribed as aforesaid, the persons named in the first section of this act, or some of them, may call a meeting of the stockholders of said company, on giving public notice of the time and place of meeting, which shall be held at some place in the county of Adams or Brown, in this state, and shall fully organize said company, by the election of five directors for said company, who shall hold their offices for one year, and until their successors shall be elected and qualified. Said directors shall have the same powers and authority, and perform the same duties, and be governed by the same rules conferred upon, and required of, the directors of the Alton and Sangamon railroad company, by an act entitled "an act to construct a railroad from Alton, in Madison county, to Springfield, in Sangamon county," approved February 27, A. D. 1847. Said directors so elected shall elect from their number one president, who shall hold his office for one year, and until his successor is elected and qualified, and who shall have the same powers and be governed by the same rules as is conferred upon and required of the president of the Alton and Sangamon railroad company, by the act aforesaid, and all rules and provisions for elections provided by the said act, shall apply to the company incorporated by this act. A majority of said directors, including said president, shall constitute a quorum.

§ 6. The said company hereby incorporated shall have, enjoy and exercise all and singular the powers, rights, authorities, privileges and immunities conferred upon the Alton and Sangamon railroad company, by the act incorporating the same, described in the fifth section of this act, as "an act to

construct a railroad from Alton, in Madison county, to Springfield, in Sangamon county," approved February 27, 1847, and not contrary to the provisions of this act; and all privileges, powers and immunities in any manner conferred upon the Alton and Sangamon railroad company, by the said act incorporating the same, and beneficial to the corporation hereby created, shall apply to the Northern Cross Railroad Company, the same as if herein specially recited and granted to said last named company, to all intents and purposes, and in every manner of thing, powers, privileges or authority whatever.

§ 7. The last section of this act shall be so construed as in no way to affect the rights, powers and immunities of the Alton and Sangamon railroad company, but shall be so construed as to confer upon and apply to the corporation hereby created, in the construction, completion, enjoyment, security and use of the railroad contemplated by this act, all rights, powers, privileges and immunities in the said act incorporating the Alton and Sangamon railroad company, mentioned and conferred, the same as if specially herein named.

§ 8. The company hereby incorporated shall have power to procure a loan or loans of money, as shall be deemed necessary for the construction of the said railroad, and may pledge the said road for the payment thereof. Said company may receive in payment of stock subscribed for, bonds and mortgages, and also any securities, or evidence of debt, stock in other companies, or other valuable things; and may dispose of or pledge the same for the purposes of said company in the construction of said railroad; but said company shall not exercise banking powers.

§ 9. This act shall be deemed and taken a public act, and be construed liberally for the benefit of said company.

§ 10. The company hereby created are authorized and empowered, under and by virtue of this act, to construct a lateral branch of the railroad contemplated by this act, commencing on the Illinois river at any convenient point opposite the town of Naples, and from thence running to and uniting with the said railroad which is to commence opposite the town of Meredosia, and to terminate at Quincy, at the most eligible and convenient point.

Approved February 10, 1849.

An Act supplemental to an Act entitled "An Act to incorporate the Northern Cross Railroad Company." Approved February 10, 1849.

- SEC. 1. Corporation may construct branch road through military tract in direction of Chicago.
2. Capital stock increased, &c.
 3. Original act to govern, &c.
 4. Public act and liberal construction.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the general assembly,* That the company organized under the act to which this is a supplement, is hereby authorized and empowered to locate, construct, establish, and finally complete, and hereafter use, a lateral branch of said Northern Cross Railroad, commencing at any convenient point on said Northern Cross Railroad, in the county of Adams; and running thence on the most eligible, beneficial, expedient and practicable route through the Military Bounty Tract, and terminating at the most convenient and eligible point, at or near the southern termination of the Illinois and Michigan Canal, *Provided*, the said company shall not locate or construct the said branch upon any line east of the town of Knoxville, in Knox county; the said company are hereby empowered in the construction of said branch Railroad, to lay out said road wide enough for a single or double track; throughout the whole length thereof, and for the purpose of constructing the same, and for materials, stone, earth, gravel, may take and use as much more land on the sides of the same, as may be necessary for the proper construction and security of said road.

§ 2. The capital stock of said company, in addition to the capital stock provided for in said original bill, shall be two millions of dollars, and may be increased to three millions of dollars, to be divided into shares of one hundred dollars each, and the directors of said company are hereby vested with power and authority to provide for opening books and obtaining subscriptions to the additional capital stock, in such manner and under such rules and regulations as they may prescribe for obtaining subscriptions to the capital stock, provided for in such original bill.

§ 3. The provisions of the act to which this act is supplemental, relating to the power, authority, and duties of the directors, and to the election and powers of the President of said company, and to the powers, rights, authorities, privileges, and immunities pertaining to the Northern Cross Railroad, granted to said company by said original act, with the power to procure such loan or loans of money as may be deemed necessary for the construction of said branch Railroad, and to pledge the said road for the payment thereof, and to receive in payment of stock subscribed for, bonds and mortgages, and also any securities or evidences of debt, stock in other companies, or other valuable things, and to dispose of, or pledge the same for the purposes of said company, in the construction of said branch Railroad, and all and singular the provisions of the said original act, and the act therein mentioned, and beneficial to said company, shall apply to the said Northern Cross Railroad, to all intents and purposes, and in every manner of things, powers, rights, privileges, or authority whatever, in reference to the said branch railroad as fully and completely as if the location and construction of said branch railroad had been authorized and provided for, and by the said original bill.

§ 4 This act shall be deemed and taken to be a public act and be constructed liberally for the benefit of said company.

Approved February 1, 1851.

An act to amend an "An act to incorporate the Sangamon and Morgan Rail-road Company," Approved March 1, 1845.

SEC. 1. Corporation relieved from forfeitures. To complete road to Meredosia or connect with Northern Cross.

§ 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That the said Sangamon and Morgan Rail-road Company be and they are hereby forever released and discharged from all and every cause of forfeiture of their rights, privileges and franchises, by reason of their non-compliance of any and all conditions and duties imposed upon them by virtue of any former law of this state ;

and their said rights, privileges and franchises are hereby ratified and confirmed in all respects: *Provided, nevertheless,* that the foregoing release and confirmation is granted unto the said company upon this express condition; that the said Sangamon and Morgan Rail-road Company shall, within two years from and after the passage of this act, repair, or cause to be repaired, that part of the Northern Cross Rail-road leading to the town of Meredosia from the point where said road is intersected by a lateral road to the town of Naples, and shall keep the same in repair and use for the transportation of persons and property during the corporate existence of said company: *Provided however,* that if the said Sangamon and Morgan Rail-road Company can make any satisfactory arrangement with the persons, company or corporation who now own that part of the said Northern Cross Rail-road which leads from the said town of Meredosia to the Mississippi river, *via* Mount Sterling, in Brown county, for the intersection of said roads at any point on the Illinois river other than Meredosia, then and in that event it shall not be necessary for the said Sangamon and Morgan Rail-road Company to perform the conditions aforesaid, and the said release and confirmation shall become absolute when said arrangement is made and complied with, and the agreement herein provided for filed in the office of the Secretary of State.

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

Approved January 23, 1851.

An Act supplemental to "an Act to provide for a general system of railroad incorporations."

SEC. 1. Cities and counties may subscribe to stock in railroads.

2. May borrow money. May issue bonds, &c.

3. Companies may borrow money, &c.

4. Bonds to be issued, &c.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That whenever the citizens of any city or county, in this state, are desirous that said city or county should subscribe for stock in any railroad company already organized or incorporated, or hereafter to be organized or incorporated under any law of this state, such city or county may, and are hereby, authorized to purchase or subscribe for shares of the capital stock in any such company, in any sum not exceeding one hundred thousand dollars for each of such cities or counties; and the stock so subscribed for or purchased, shall be under the control of the county court of the county or common council of the city, making such subscription or purchase, in all respects, as stock owned by individuals.

§ 2. That for the payment of said stock, the judges of the county court of the county, or the common council of the city making such subscription or purchase, are hereby authorized to borrow money at any rate not exceeding ten per cent. per annum, and to pledge the faith of the county or city for the annual payment of the interest, and the ultimate redemption of the principal, or if the said judges or common council, should deem it most advisable, they are hereby authorized to pay for such subscription or purchase in bonds of the city or county, making such subscriptions to be drawn for that purpose, in sums not less than fifty dollars, bearing interest not exceeding ten per cent. per annum; *Provided*, that no bond shall be paid out at a less rate than par value.

§ 3. The railroad companies already organized or incorporated or hereafter to be organized or incorporated, under the laws of this state, are hereby authorized to receive the bonds of any county or city, becoming subscribers to the capital

stock of such company, at par, and in lieu of cash, and to issue their bonds, bearing interest not exceeding ten per cent. per annum, for any monies by them borrowed for the construction of their railroad and fixtures, or for the purchase of engines and cars, and for such purpose may dispose of any bonds by them received, as aforesaid.

§ 4. No bonds shall be issued under the provisions of this act, by any county or city excepting for the amounts required to be paid at the time of subscription, and for the amounts of and at the time when assessments upon all the stockholders of said company, shall be regularly assessed and made payable.

Approved Nov. 6, 1849.

An Act to authorize the city of Quincy to levy and collect a special tax, for the purposes therein mentioned.

SEC. 1. May levy tax to pay interest on railroad bonds.

2. How collected.

3. Tax to be specially applied.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly, That the city of Quincy is hereby authorized to levy and collect a special annual tax upon the property, real and personal, situated in said city sufficient for the payment of the annual interest, which may accrue upon any bonds to be hereafter issued by said city for railroad purposes, under the provisions of an act entitled "An act supplemental to 'An act entitled an act to provide for a general system of railroad incorporations,'"* in force the 6th day of November, A. D. 1849.

§ 2. The special tax aforesaid shall be levied and collected at the same time and in the same manner as the other taxes levied by said city, and the said city shall have the same rights, powers and remedies, to enforce the collection of the same, by the sale of property or otherwise, as is or may be provided for in other cases relating to the city revenue.

§ 3. Said tax when collected, shall by the said city, be set

apart and held separate and distinct from the other portions of the city revenue, as a fund specially pledged for a payment of the annual interest on the bonds aforesaid, and shall be by the said city, from time to time, applied to the payment of said interest, as the same becomes due and payable, and to no other purpose whatever.

Approved February 17, 1851.

NOTE.—The city has taken one hundred thousand dollars of stock in the “Northern Cross Railroad Company.”

WOODLAND CEMETERY.

An Act to authorize John Wood to lay out a part of the north-west quarter of section eleven, two south, nine west, as a burying ground, and to convey the same, or a part thereof, to the Mayor or Aldermen of the City of Quincy, on terms to be mutually agreed upon between them.

- SEC. 1. Grounds to be laid out.
 2. Plat to be recorded.
 3. Ground not subject to execution.
 4. Title how vested, &c.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the general assembly, That John Wood be, and he is hereby, authorized to survey, lay out and appropriate for a burying ground, a part of the north-west quarter of section eleven, in township two south, and in range nine, west of the fourth principal meridian, in Adams county, adjoining the burying ground heretofore laid out by him on said quarter section of land, under the name of “Woodland Cemetery,” and as an addition thereto, and to be included in the same name, so that the said burying ground, including said original plat, shall not exceed forty acres.*

§ 2. That the plat of said addition shall be acknowledged by the said John Wood, and recorded in the recorder’s office of said county, in the same manner as the original plat of said cemetery, as near as the nature of the case will admit.

§ 3. That from and after the recording of the said plat, the premises included in said Woodland Cemetery shall not be subject to execution or attachment, and shall be exempt from all taxes, and that from the time aforesaid the premises shall be annexed to, and form a part of the said city of Quincy.

§ 4. That the said John Wood be, and he is hereby authorized to convey to the city of Quincy, the premises included in said cemetery, or any part thereof, to be held by the said city for the purposes of such burying ground forever, on such terms and conditions as may be agreed upon between the said John Wood and the mayor or aldermen of said city; and the said city is hereby authorized to accept and receive the title of said premises, to be held for the purposes and on the trust aforesaid, and to sell and convey any lot or lots therein to any purchaser or purchasers thereof.

Approved January 16, 1847.

NOTE.—Under this law, Mr. Wood has laid out a spacious cemetery on his high lands on the south of the city, and has neatly enclosed and adorned the grounds. The arrangement with the city, contemplated by the law, has been consummated, and the title to the cemetery grounds vested in the city.

STATISTICS OF THE CITY OF QUINCY.

POPULATION.

In 1840, the population was.... 2,319 In 1850, the population was.... 6,950

PROPERTY ASSESSED FOR TAXATION.

Value of Real Estate in 1840..	\$330,252	Value of Real Estate in 1851, \$1,293,415
“ Personal Property...	82,571	“ Personal Property.. 484,204
Total in 1840.....	\$912,823	Total in 1851.....\$1,777,619

CITY PROPERTY.

Debts due the city.....	\$1,322 52
Public Wharf	12,000 00
Two Engine Houses, Lots and Engines	4,500 00
Market House and Lot.....	5,000 00
Two Public School Houses and Lots.....	4,000 00
Other available Real Estate..	3,310 00
Total.....	\$39,132 52

CITY DEBT.

(Bearing 6 per cent. interest.)	
Permanent Loan due the Quincy School District.....	\$1,250 00
City Bonds due in 1851.....	1,315 66
“ “ 1852.....	4,733 10
“ “ 1853.....	2,756 00
“ “ 1854.....	935 92
“ “ 1855.....	792 16
“ “ 1856.....	176 00
“ “ 1859.....	20,000 00
Total.....	\$31,988 84

ANNUAL RECEIPTS.

Nett proceeds of Taxation.....	\$11,957 69
Nett income from the Public Wharf.....	1,179 00
Nett income from Store, Wagon, Dray, Auction, Broker and General Licenses, and from Market House, and Fines and Penalties.....	4,050 00
	\$17,177 69

ANNUAL EXPENSES.

Salaries, Rents, Printing, Police and contingencies.....	\$2,500 00
For support of Paupers.....	1,250 00
For Public Schools.....	2,500 00
Interest on Public Debt and Exchange.....	2,600 00
	8,250 00

Leaving an Excess of Receipts over Expenditures, to apply to the reparation of the public streets, and to the reduction of the principal of the City Debt, of..... \$8,927 69

CITY OFFICERS.

MAYOR,
SAMUEL HOLMES.

ALDERMEN.

First Ward—AMOS GREEN,
CHARLES A. SAVAGE.
Second Ward—THOMAS REDMOND,
HENRY L. SIMMONS.
Third Ward—JOHN WOOD,
GEORGE W. BROWN.

MARSHAL.
JOHN STEINAGEL.

CLERK.
PERKINS CLEVELAND.

TREASURER.
JAMES D. MORGAN.

ASSESSOR.
SAMUEL LEECH.

SUPERINTENDENT OF PUBLIC SCHOOLS.
JOHN MURPHY.

HARBOR MASTER.
DAMION HAUSER.

OVERSEER OF THE POOR.
THADEUS MONROE.

SEXTON.
SAMUEL M. BARTLETT.

PHYSICIAN.

JAMES M. CLARKSON.

LUMBER MEASURER.

HENRY L. SIMMONS.

SEALER OF WEIGHTS AND MEASURES.

MARTIN COLLINS.

FIRE WARDEN.

JAMES D. MORGAN.

ASSISTANT FIRE WARDENS.

First Ward—SAMUEL M. BARTLETT, 1st Ass't.

JOSEPH TIMMER, 2d do.

Second Ward—QUARTUS S. BARTON, 1st Assistant.

JOHN CLEVELAND, 2d do.

Third Ward—AMOS W. HARRIS, 1st Assistant.

ADOLPH KELTZ, 2d do.

MARKET MASTER.

W. SCHREIBER.

SUPERVISORS.

First Ward—ROBERT LONG.

Second Ward—FLORENCE SULLIVAN.

Third Ward—B. ROTERMAN.

ACTING CITY ENGINEER.

B. J. CHATTEN.

CITY CHARTER, WITH AMENDMENTS THERETO.

An Act to Incorporate the City of Quincy.

ARTICLE I.

OF BOUNDARIES AND GENERAL POWERS.

- Sec. 1. Body politic and corporate—name and style—common seal.
2. Boundaries of the city.
 3. City to be divided into Wards.
 4. Lands laid off and recorded to form a part of the city.
 5. General power—May hold real and personal property, convey and improve the same.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* That the inhabitants of the Town of Quincy, in the county of Adams, and State of Illinois, be, and they are hereby constituted a body politic and corporate, by the name and style of the city of Quincy; and by that name shall have perpetual succession, and may have and use a common seal, which they may change and alter at pleasure.

§ 2. All that district of country embraced within the following boundaries, to wit: Beginning in the middle of the main channel of the Mississippi river west of the south side of Jefferson Street, thence up the river within said channel to a point due west of the northern extremity of Pease's Addition to said Town, thence due east to the eastern side of Wood Street, thence due south along Wood street to a point due east from the place of beginning, thence due west down the south side of Jefferson Street to the place of beginning, is hereby declared to be within in the boundaries of the said city of Quincy.

§ 3. The present Board of Trustees of the Town of Quincy shall, on or before the first day of March next divide the said city of Quincy into three Wards, as nearly equal in population as practicable, particularly describing the boundaries of each.

§ 4. Whenever any tract of land adjoining the city of Quincy shall have been laid off into Town Lots, and duly recorded as required by law, the same shall be annexed to, and form a part of, the city of Quincy.

§ 5. The inhabitants of said city, by the name and style aforesaid, shall have power to sue and be sued, to implead and be impleaded, defend and be defended, in all courts of law and equity, and in all actions whatsoever; to purchase, receive, and hold property, real and personal, in said city; to purchase, receive, and hold property, both real and personal, beyond the city for burial grounds, or for other public purposes, for the use of the inhabitants of said city; to sell, lease, convey, or dispose of property, real and personal, for the benefit of the city; and to improve and protect such property, and to do all other things in relation thereto, as natural persons.

ARTICLE II.

OF THE CITY COUNCIL.

Sec. 1. City Council.

2. Board of Aldermen to consist of two from each Ward.
3. Qualifications of Aldermen.
4. When office of Alderman to be made vacant.
5. Divisions of Aldermen into classes by lot.
6. Returns and contests of members.
7. Quorum.
8. Rules of Proceedings and Expulsion of members.
9. Journal of City Council to be published.
10. Aldermen can hold no office in the city created while in office.
11. Vacancies, how filled.
12. Mayor and Aldermen to take an oath.
13. Mayor to determine election of Alderman in case of a tie.
14. Twelve stated meetings yearly.

SECTION 1. There shall be a city council, to consist of a mayor and Board of Aldermen.

§ 2. The Board of Aldermen shall consist of two members from each Ward, to be chosen by the qualified voters for two years.

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

§ 4. If any Alderman, shall, after his election, remove from the Ward for which he is elected, or cease to be a freeholder in said city, his office shall thereby be vacated.

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

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

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

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

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

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

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

§ 12. The Mayor and each Alderman, before entering upon the duties of their office, shall take and subscribe an oath,

‘That they will support the Constitution of the United States and of this State, and that they will well truly perform the duties of their office to the best of their skill and abilities.’

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

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

ARTICLE III.

OF THE CHIEF EXECUTIVE OFFICER.

SEC. 1. Executive officer; his term.

2. Qualifications of Mayor.

3. When office of Mayor vacated. (See amendment to charter, section 4.)

4. In case of a tie for Mayor, Council to decide by lot.

5. Contested election of Mayor.

6. Vacancy in office of Mayor, how filled.

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

§ 2. No person shall be eligible to the office of mayor, who shall not have been a resident of the city for one year next preceding his election, or who shall be under twenty-one years of age, or who shall not, at the time of his election, be a citizen of the United States.

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

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

§ 5. Whenever an election of mayor shall be contested, the city council shall determine the same, in such manner as may be prescribed by ordinance.

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

ARTICLE IV.

OF ELECTIONS.

Sec. 1. Annual election of Mayor and Aldermen. First election how conducted.

2. Resident inhabitants may vote for city officers. Votes to be given in the wards where the elector resides. (See amendment to charter, sec. 1)

SECTION 1. On the third Monday of April next, an election shall be held in each ward of said city, for one mayor for the city, two aldermen for each ward; and forever thereafter, on the third Monday of April of each year, there shall be an election held for one mayor for the city, and one alderman for each ward. The first election for mayor and aldermen shall be held, conducted, and returns thereof made, as may be provided by ordinance of the present trustees of the town of Quincy.

§ 2. All free white male inhabitants over the age of twenty-one years, who are entitled to vote for state officers, and who shall have been actual residents of said city ninety days next preceding said election, shall be entitled to vote for city officers; *Provided*, that said voters shall give their votes for mayor and aldermen in the wards in which they respectively reside, and in no other, and that no vote shall be received at any of said elections, unless the person offering such vote shall have been an actual resident of the ward where the same is offered, at least ten days next preceding such election.

ARTICLE V.

OF THE LEGISLATIVE POWERS OF THE CITY COUNCIL.

- SEC. 1. Assessment and collection of taxes. Limitation thereof.
2. City council may appoint certain officers.
 3. May require bonds of officers, and oath of office—regulate common schools, and borrow money, subject to limitation.
 4. Provide for paying debts of the city.
 5. Make quarantine laws, &c.
 6. Establish hospitals.
 7. Regulate health, and declare nuisances.
 8. To provide for watering the city.
 9. Open and alter streets, &c.
 10. Build bridges, &c.
 11. Make and alter wards.
 12. Light the city.
 13. Establish a night watch.
 14. Regulate markets.
 15. Erect buildings for the city.
 16. Improve, &c., public grounds.
 17. Improve navigation of the Mississippi.
 18. Erect, &c., wharves and docks.
 19. Grant licenses.
 20. Regulate carriages, wagons, carts and drays.
 21. Regulate porters.
 22. License shows.
 23. Suppress disorderly houses.
 24. Organize fire companies.
 25. Regulate erection of wooden buildings.
 26. " chimneys.
 27. " storage of gunpowder, &c.
 28. " parapet walls and fences.
 29. " weights and measures.
 30. Provide for measurement of lumber, &c.
 31. " weight of hay, &c.
 32. " inspection of tobacco, &c.
 33. Regulate inspection of provisions.
 34. " weight of bread.
 35. " size of brick.
 36. Provide for taking census.
 37. Regulate elections. Remove officers.
 38. Fix compensation of jurors, &c.
 39. Regulate the police. Impose and recover fines, &c.
 40. Exclusive powers.
 41. Make all necessary ordinances.
 42. Style of ordinances.
 43. Ordinances when to take effect.
 44. " when evidence.

SECTION 1. The city council shall have power and authority

to levy and collect taxes upon all property, real and personal, within the limits of the city, not exceeding one-half per cent. per annum, upon the assessed value thereof, and may enforce the payment of the same, in any manner to be prescribed by Ordinance, not repugnant to the Constitution of the United States and of this State.

§ 2. The city council shall have power to appoint a Clerk, Treasurer, Assessor, Marshal, Supervisors of Streets, and all such other officers as may be necessary.

§ 3. The city council shall have power to require of all officers appointed in pursuance of this Charter, bond with penalty and security, for the faithful performance of their respective duties, as may be deemed expedient; and also to require all officers appointed as aforesaid, to take an oath for the faithful performance of the duties of their respective offices, before entering upon the discharge of the same; to establish, support and regulate Common Schools; to borrow money on the credit of the city; *Provided*, That no sum or sums of money, shall be borrowed at a greater interest than six per cent. per annum, nor shall the interest on the aggregate of all the sums borrowed, and outstanding, ever exceed one-half of the city revenue, arising from taxes assessed on real property within the limits of the Corporation.

§ 4. To appropriate money, and provide for the payment of the debt and expenses of the city.

§ 5. To make regulations to prevent the introduction of contagious diseases into the city, and to make quarantine laws for that purpose, and enforce the same within five miles of the city.

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

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

§ 8. To provide the city with water; to erect hydrants and pumps in the streets for the convenience of the inhabitants.

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

§ 10. To establish, erect and keep in repair bridges.

§ 11. To divide the city into wards, alter the boundaries thereof, and erect additional wards, as the occasion may require.

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

§ 13. To establish, support and regulate night watches.

§ 14. To erect market houses, establish markets and market places, and provide for the government and regulation thereof.

§ 15. To provide for the erection of all needful buildings for the use of the city.

§ 16. To provide for enclosing, improving and regulating all public grounds belonging to the city.

§ 17. To improve and preserve the navigation of the Mississippi, within the limits of the city.

§ 18. To erect, repair and regulate public wharves and docks; to regulate the erection and repair of private wharves and the rates of wharfage thereat.

§ 19. To license, tax, and regulate auctioneers, merchants and retailers, groceries, taverns, ordinaries, hawkers, pedlars, brokers, pawn brokers and money changers.

§ 20. To license, tax and regulate hackney carriages, wagons, carts and drays; fix the rates to be charged for the carriage of persons, and for the wagonage, cartage and drayage of property.

§ 21. To license and regulate porters, and fix the rate of portorage.

§ 22. To license, tax and regulate theatrical and other exhibitions, shows and amusements.

§ 23. To tax, restrain, prohibit and suppress tippling houses, dram shops, gaming houses, bawdy, and other disorderly houses.

§ 24. To provide for the prevention and extinguishment of fires, and to organize and establish fire companies.

§ 25. To regulate or prohibit the erection of wooden buildings in any part of the city.

§ 26. To regulate the fixing of chimneys, and fix the flues thereof.

§ 27. To regulate the storage of gun powder, tar, pitch, rosin and other combustible materials.

§ 28. To regulate and order parapet walls and partition fences.

§ 29. To establish standard weights and measures, and regulate the weights and measures to be used in the city, in all cases not otherwise provided for by law.

§ 30. To provide for the inspection and measurement of lumber and other building materials, and for the measurement of all kinds of mechanical work.

§ 31. To provide for the inspection and weighing of hay and stone coal, the measuring of charcoal, fire-wood and other fuel to be sold or used within the city.

§ 32. To provide for and regulate the inspection of tobacco, beef, pork, flour, meal and whiskey, in barrels.

§ 33. To regulate the inspection of butter, lard and other provisions.

§ 34. To regulate the weight, quality and price of bread to be sold and used in the city.

§ 35. To regulate the size of brick to be sold or used in the city.

§ 36. To provide for taking enumerations of the inhabitants of the city.

§ 37. To regulate the election of city officers, and provide for removing from office any person holding an office created by ordinance.

§ 38. To fix the compensation of all city officers, and regulate the fees of jurors, witnesses and others, for services rendered under this act, or any ordinance.

§ 39. To regulate the police of the city; to impose fines, forfeitures and penalties for the breach of any ordinance, and provide for the recovery and appropriation of such fines and forfeitures, and the enforcement of such penalties.

§ 40. The city council shall have exclusive power within the city, by ordinance, to license, regulate and restrain the keeping of ferries, and to suppress and restrain billiard tables.

§ 41. The city council shall have power to make all ordinances, which shall be necessary and proper, for carrying into

execution the powers specified in this act, so that such ordinances be not repugnant to, nor inconsistent with the constitution of the United States, or of this state.

§ 42. The style of the ordinances of the city shall be, "*Be it ordained by the City Council of the city of Quincy.*"

§ 43. All ordinances passed by the city council shall, within one month after they shall have been passed, be published in some newspaper published in the city, and shall not be in force until they shall have been published as aforesaid.

§ 44. All ordinances of the city may be proven by the seal of the corporation, and when printed and published in book or pamphlet form, and purporting to be printed and published by authority of the corporation, the same shall be received in evidence in all courts and places without further proof.

ARTICLE VI.

OF THE MAYOR.

- SEC. 1. Shall have the casting vote—absence of Aldermen to choose a chairman.
- 2. Special meetings, how called.
- 3. Duties of Mayor.
- 4. May call aid to suppress riots—penalty for a refusal to obey.
- 5. May require officers to exhibit their books.
- 6. Required to execute all ordinances.
- 7. Shall be commissioned as a Justice of the Peace—Powers as such.
See Amendment to Charter, section 6.
- 8. Jurisdiction of Mayor acting as Justice of the Peace—his fees.
- 9. Jurisdiction in quarantine and health affairs.
- 10. Salary to be fixed by ordinance.
- 11. May be indicted for violation of duty; fined, and on conviction removed from office.

SECTION 1. The Mayor shall preside at all meetings of the city council, and shall have a casting vote, and no other. In case of non-attendance of the Mayor at any meeting, the Board of Aldermen shall appoint one of their own members Chairman, who shall preside at that meeting.

§ 2. The Mayor, or any two Aldermen, may call special meetings of the city council.

§ 3. The Mayor shall at all times be active and vigilant in enforcing the laws and ordinances for the government of said

city; he shall inspect the conduct of all subordinate officers of said city, and cause negligence and positive violation of duty to be presented and punished ; he shall, from time to time, communicate to the Aldermen such information, and recommend all such measures as, in his opinion, may tend to the improvement of the finances, the police, the health, security, comfort, and ornament of the city.

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

§ 5. He shall have power, whenever he may deem it necessary, to require of any officer of said city an exhibit of his books and papers.

§ 6. He shall have power to execute all acts that may be required of him by any ordinance made in pursuance of this act.

§ 7. He shall be commissioned by the Governor as a Justice of the Peace for said city, and as such, shall be a Conservatory of the Peace in the said city, and shall have power and authority to administer oaths, issue writs and process under the seal of the city,—to take Depositions, the Acknowledgment of deeds, Mortgages, and other instruments of writing, and certify the same under the seal of the city, which shall be good and valid in law.

§ 8. He shall have exclusive jurisdiction in all cases arising under the Ordinances of the Corporation, and concurrent jurisdiction with all other Justices of the Peace, in all civil and criminal cases within the limits of the city, arising under the laws of the State, and shall receive the same fees and compensation for his services, in similar cases.

§ 9. He shall also have such jurisdiction as may be vested in him by Ordinance of the city, in and over all places within five miles of the boundaries of the city, for the purpose of enforcing the Health and Quarantine Ordinances, and regulations thereof.

§ 10. And he shall receive for his services, such salary as shall be fixed by an Ordinance of the city.

§ 11. In case the Mayor shall, at any time, be guilty of a palpable omission of duty, or shall wilfully, and corruptly, be guilty of oppression, mal-conduct, or partiality in the discharge of the duties of his office, he shall be liable to be indicted in the Circuit Court of Adams County, and on conviction, he shall be fined not more than two hundred dollars, and the Court shall have power, on the recommendation of the jury, to add to the judgment of the Court, that he be removed from office.

ARTICLE VII.

PROCEEDINGS IN SPECIAL CASES.

- SEC. 1. Owner of private property taken for public improvement to be compensated. Mode of estimating the same.
2. Street may be opened, widened, &c., by petition of all persons owning land thereon, but no compensation or tax.
 3. Jurors assessing damages to be sworn.
 4. Rules for assessment of damages.
 5. Decision may be set aside.
 6. City Council may levy a special tax in certain cases.

SECTION 1. When it shall be necessary to take private property for opening, widening, or altering any public street, lane, avenue, or alley, the corporation shall make a just compensation thereof to the person whose property is so taken; and if the amount of such compensation cannot be agreed on, the mayor shall cause the same to be assessed by a jury of six disinterested freeholders of the city.

§ 2. When the owners of all the property on the street, lane, or alley proposed to be opened, widened, or altered, shall petition therefor, the city council may open, widen, or alter such street, lane, avenue, or alley, upon conditions to be prescribed by ordinance; but no compensation shall in such case be made to those whose property shall be taken for the opening, widening, or altering of such street, lane, avenue, or alley, nor shall there be any assessment of benefit or damage that may accrue thereby to any of the petitioners.

§ 3. All jurors empannelled to enquire into the amount of benefit or damage which shall happen to the owners of property proposed to be taken for opening, widening, or altering any street, lane, or alley, shall be first sworn to that effect, and shall return to the mayor their inquest in writing, signed by each juror.

§ 5. In assessing the amount of compensation for property taken for opening, or widening, or altering any street, lane, avenue, or alley, the jury shall take into consideration the benefit as well as the injury happening by such opening, widening, or altering such street, lane, avenue, or alley.

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

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

ARTICLE VIII.

MISCELLANEOUS PROVISIONS.

- Sec. 1.** Inhabitants of Quincy not to labor on roads out of the City, or pay county tax, except for jail in Quincy: See Amendment to Charter, section 3.
2. City Streets to be made by labor of male inhabitants—fine for neglecting or refusing to labor.
3. Offenders may be punished by imprisonment.
4. Annual statements of receipts and expenditures to be published.
5. Ordinances of Town of Quincy in force until repealed.
6. Suits, how brought.
7. Fines, &c. accruing to Trustees of Town of Quincy, to be vested in the City.
8. Property to be invested in the City.
9. Charter not to invalidate any act of Trustees.
10. Trustees to promulgate this act—call election of officers, by publication of notice, &c.
11. Appeals from decisions under ordinances allowed.
13. Charter declared a public act.
14. Certain acts repealed.
15. City marshal authorized to execute writs and other process issued by the mayor in Adams county—his fees.
16. Election for adoption of this charter—if majority should be against the adoption, charter to be void.

SECTION 1. The inhabitants of the city of Quincy are hereby exempted from working on any road beyond the limits of the city, and from paying any tax to procure laborers to work upon the same, and from any tax for county purposes, except for the completion of the county Jail, now being erected in said city.

§ 2. The city council shall have power, for the purpose of keeping the streets, lanes, avenues and alleys in repair, to require every male inhabitant in said city over twenty-one years of age to labor on said streets, lanes, avenues, and alleys, not exceeding three days in each and every year; and any person failing to perform such labor, when duly notified by the supervisor, shall forfeit and pay the sum of one dollar per day, for each day so neglected or refused.

§ 3. The city council shall have power to provide for the punishment of offenders, by imprisonment in the county or city jail, in all cases where such offenders shall fail or refuse

to pay the fines and forfeitures which may be recovered against them.

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

§ 5. All ordinances and resolutions passed by the president and trustees of the town of Quincy, shall remain in force until the same shall have been repealed by the city council hereby created.

§ 6. All suits, actions and prosecutions instituted, commenced, or brought by the corporation hereby created, shall be instituted, commenced and prosecuted in the name of the city of Quincy.

§ 7. All actions, fines and forfeitures which have accrued to the president and trustees of the town of Quincy, shall be vested in, and presented by, the corporation hereby created.

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

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

§ 10. "The president and trustees of the town of Quincy" shall, immediately after the passage of this act, take measures to promulgate this law within the limits of the city of Quincy, and issue their proclamation for the election of officers, and cause the same to be published in all the newspapers in said city, for four weeks in succession, prior to the day of election for said city officers.

§ 11. Appeals shall be allowed from all decisions in all cases arising under the provisions of this act, or any ordinance passed in pursuance thereof, to the circuit court of Adams county; and every such appeal shall be taken and granted in the same manner and with like effect as appeals are taken.

from, and granted by, justices of the peace to the circuit court, under the laws of this state.

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

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

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

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

§ 16. The president and trustees of the town of Quincy shall cause an election to be held in said town, on the third Wednesday in March next, at which the inhabitants of said town who are authorized to vote for state officers, shall vote for or against the adoption of this charter; and if a majority of the votes given at such election shall be in favor of the adoption of said charter, then it shall immediately take effect as a law; but if a majority of the votes given shall be against the adoption of said charter, then this act to be of no effect.

NEWTON CLOUD,

Speaker of the House of Representatives pro tem.

S. H. ANDERSON,

Speaker of the Senate.

Approved by the Council, Feb. 3, 1840.

THOS. CARLIN.

AMENDMENT.

An Act to amend an Act entitled "An Act to incorporate the City of Quincy." Approved Feb. 3, 1840.

SEC. 1. Qualifications of Electors.

2. County exempt from support of city paupers. City to provide.
3. Inhabitants to pay county tax on property out of the city.
4. Part of act repealed.
5. Council to pass no ordinances conflicting with laws of United States or Illinois.
6. Mayor to give bond as Justice of the Peace. On failure so to do, new election to be ordered.

SECTION 1. *Be it enacted by the people of the state of Illinois, represented in the general assembly,* That at all elections of mayor and aldermen within and for said city, all white male inhabitants above the age of twenty-one years, who have resided in the state six months next preceding the election, and who actually reside in the said city, shall enjoy the right of electors; but no person shall be entitled to vote for aldermen except in the ward in which he shall actually reside at the time of the election.

§ 2. The county shall be exempt from the support of paupers within the limits of said city; but the city council shall provide such means and pass such ordinances as they shall deem proper for the support of their own paupers.

§ 3. The inhabitants of the city of Quincy shall, the same as other citizens of the county, pay a county tax on all their property situate without the limits of the city.

§ 4. So much of the act to which this is an amendment, as requires the mayor of the city to be a freeholder, be and the same is hereby repealed.

§ 5. The city council shall pass no ordinance contrary to, or which in any manner conflicts with, the laws of the United States, or of this state; and any such ordinance which the city council may have passed, shall be void and of no effect.

§ 6. The person elected to the office of mayor shall, before being commissioned by the governor as a justice of the peace, give bond, as is now required by law of justices of the peace;

and on failure to do so, another election shall be ordered, as is now required by the act to which this is an amendment.

Approved January 7, 1841.

An Act to amend the Charter of the City of Quincy.

SEC. 1. City authorized to levy additional tax for school purposes.

2. Tax collected same as other tax.

3. Vote to be taken.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That the city of Quincy be, and are hereby authorized, in addition to the taxes already authorized to be collected, to levy a tax not exceeding one eighth of one per centum in each year, on all taxable property in said city, the proceeds of which said tax shall be wholly applied to the support of the common schools in said city, and to no other purpose.

§ 2. The taxes collectable under this law may be collected in the same manner, and under the same regulations, that other city taxes are collected.

§ 3. There shall be a poll book opened in the manner usually adopted in case of special city elections, in the city of Quincy, on the first Monday of April, in the year eighteen hundred and forty-five, to continue open from eight o'clock in the morning, until six o'clock in the evening of said day, during which time a vote shall be taken by the qualified voters of the city of Quincy, whether the foregoing amendment to the charter of the city of Quincy shall be accepted or not; and in case a majority of the votes cast shall be in favor of the acceptance of the same, then, and in that case, the city council of the city of Quincy may proceed to assess and collect the said tax in the manner aforesaid, or so much thereof as they may deem necessary; but in case a majority of the votes cast shall be against the acceptance of said amendment, then and in that case the powers herein before granted shall be void and of no effect.

§ 4. This act shall take effect from and after its passage.

Approved February 14, 1845.

NOTE.—The tax provided for in this law has been regularly collected and applied to schools.

An Act to amend the City Charter of the City of Quincy.

- SEC. 1. City may levy special tax to grade side walks and light city.
 2. Power over public grounds.
 3. License powers.
 4. Power over ferries and billiard tables.
 5. Power over streets and alleys.
 6. Marshal to be elected—to be County Constable—his term of office—to give bond and take oath of office.
 7. Portions of Charter repealed.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly,* That the city council of said city shall have power, by ordinance, to levy and collect a special tax on the owner or owners of the lot or lots on any street, lane, avenue, or alley, within said city, for the purpose of grading and paving the side walks in front of their respective lots, and keeping the said side walks in repair, and for the purpose of lighting such street, lane, avenue, or alley.

§ 2. The city council of said city shall have power to provide for enclosing, improving and regulating all public grounds within the city, and for the punishment of injuries or damage done to trees, buildings or other improvements thereon.

§ 3. To license, tax and regulate auctioneers, merchants and retailers, groceries, taverns, ordinaries, and all places where fermented liquors are sold, and the venders of the same, hawkers, pedlers, brokers, pawn-brokers, and money changers.

§ 4. The city council have exclusive power, within the city, by ordinance, to license, regulate, and restrain the keeping of ferries, and to suppress and restrain billiard tables, and the sale of lottery tickets.

§ 5. The city council shall have power to open, widen, or alter a street, lane, avenue or alley, only when the same shall be petitioned for by the owners of the major part of the front of all the property in the block and on the street, lane, avenue or alley proposed to be opened, widened or altered.

§ 6. The city marshal of said city shall, by virtue of his office, be a constable of Adams county, with power to serve process, and do all acts that constables may lawfully do; and shall receive the same fees as are allowed to other constables

by law; and hereafter, the said marshal shall be elected by the voters resident within the incorporated limits of said city of Quincy, who are qualified to vote for mayor of said city, at the same time and in the same manner that the mayor of said city is elected; and he shall hold his office for the same length of time said mayor holds his office; and shall, before entering upon the discharge of his office, in addition to the bond now required of him by the ordinances of said city, execute another bond, and file it in the office of the county commissioners' clerk of Adams county, in like manner as other constables are now required to do by law; and he shall, moreover, take the same oath to discharge the duties of his office, and in the same manner that other constables are now required to take.

§ 7. *Be it further enacted*, That the sixteenth, nineteenth and fortieth sections of the fifth article of "An act to incorporate the city of Quincy," approved February third, one thousand eight hundred and forty, and all parts and provisions of said act of incorporation, conflicting with the provisions of this act, be, and the same are hereby, repealed.

Approved February 27, 1847.

An Act further to amend an Act entitled "An Act to incorporate the city of Quincy." Approved February 3, 1840.

SEC. 1. Mayor's Court.

2. Repealing clause.

SECTION 1. *Be it enacted by the people of the State of Illinois, represented in the General Assembly*, That the city council of the city of Quincy shall have power to provide by ordinance for the organization and maintenance of a mayor's court for said city, and for the trial and punishment of all offenders against the ordinances of said city made in conformity with the powers granted in the city charter of the said city of Quincy, and not inconsistent with the constitution of this state and the constitution of the United States.

§ 2. That the fifth section of an act to amend "An act to incorporate the city of Quincy," approved February 3d, 1840, which said amendment was approved January 7, 1841, be and the same is hereby repealed.

Approved January 28, 1851.

NOTE.—All laws authorizing in any manner the licensing the sale of vinous and spirituous liquors are repealed, and penalties are provided for selling in less quantities than one quart.—Session laws of 1851, page 18.

ORDINANCES.

NO. I.

An Ordinance relating to the meetings of the City Council.

SEC. 1. Stated meetings, when held—special meetings, how called—notice of special meetings, how and by whom served.

SECTION 1. *Be it ordained by the City Council of the city of Quincy,* That the stated meetings of the city council shall be held on the first Monday of every month, at such place within the limits of said city, as the city council may from time to time direct; and that special meetings thereof shall be called by the mayor, or any two aldermen, by leaving written notices of the time and place of holding the same, at the residence of the respective members, unless the same be personally served on such members; the service of such notices shall be, and is hereby made, the duty of the clerk of said council.

NO. II.

An Ordinance dividing the City of Quincy into Wards, and Road Districts.

SEC. 1. City divided into three Wards and three Road Districts—their limits.

SECTION 1. *Be it ordained by the City Council of the city of Quincy,* That the said city be and the same is hereby divided into three wards, and into three road districts, as follows, to wit:

All that portion of the said city lying north of a line drawn from east to west along the middle of Hampshire street shall constitute the first ward, and the first road district.

All that portion of the said city bounded as follows, to wit:

Beginning at the middle of said Hampshire street on the eastern boundary line of the said city, running thence west to the Mississippi river, thence with the said river to the middle of Maine street, thence east to the middle of Fifth street, thence south to the middle of York street, thence east to the eastern boundary line of the said city, and thence north to the place of beginning, shall constitute the second ward, and the second road district.

All that portion of the said city lying between the second ward and the southern boundary line of the said city, shall constitute the third ward, and the third road district.

NO. III.

An Ordinance regulating the election of Mayor, Aldermen and Marshal.

- SEC. 1. Three judges of election to be appointed in each ward—their qualifications. Clerk to give notice of time and place of holding Elections—how given.
2. Judge failing to attend, place how filled—no Judge present, substitutes how appointed and qualified.
3. Vacancy in office of mayor, how filled. Judges of Election to be appointed—vacancy in office of Alderman, how filled—appointment of Judges of Election—notice of special election, how given.
4. Judges of election to be notified of their appointment—may appoint Clerks. Judges and Clerks, how qualified—mode of conducting elections and of making returns.
5. Tie in an election for Mayor, how determined.
6. Tie in an election for Alderman, how determined.
7. Election of Mayor, how contested.
8. Election of Aldermen, how contested.
9. Chairman of committee and President of council authorized to issue subpoena.
10. Vacancy in office of Marshal—tie in contest—penalties for failure or misconduct of Judges and Clerks. Certificates of election.

SECTION 1. *Be it ordained by the City Council of the City of Quincy,* That there shall be appointed by the city council, at least one month previous to the annual election of mayor, marshal and aldermen of said city, three judges of election for each ward of said city, who shall be legal voters in such ward, to

preside at such election in their respective wards; and the clerk of said city council shall give three weeks' notice of the time and place of holding such election, and of the hours of opening and closing the polls, by publishing the same in one or more of the newspapers published in said city.

§ 2. *Be it further ordained,* That if any judge of election appointed under the preceding section shall fail to attend, the judge or judges attending may supply his place from the electors present; and if no such judge shall attend, then the electors present may appoint judges of election; and the judges appointed under this section shall be qualified, and shall conduct the election in all respects as if they had been originally appointed by the city council: *Provided,* that no elector shall act as judge, or vote in the appointment of a judge, except in the ward where he is entitled to vote.

§ 3. *Be it further ordained,* That in case the office of mayor shall become vacant by reason of his removal from the city, his death, resignation, or by any other means whatever, it shall be the duty of the city council forthwith to order an election of mayor, and to appoint three judges of election in each ward of the said city, in like manner as is heretofore provided, who shall be subject to the provisions of the preceding sections. If the office of one or more aldermen shall by any means become vacant, it shall be the duty of the city council to order an election or elections forthwith, in such ward or wards as may be unrepresented, either in whole or in part, and to appoint three judges of election for every such ward, in the same manner, and subject to the same provisions as directed in the preceding sections. Notice of the special elections, under this section, shall be given in like manner as the notice prescribed in the first section of this ordinance.

§ 4. *Be it further ordained,* That the judges of election shall, in all cases, be notified, in writing, of their appointment, by the city clerk, and shall be authorized to appoint two clerks of election in their respective wards. The judges and clerks shall be qualified, and all elections under the city charter or any ordinance of the city council, shall be by ballot; and in this respect as well as in the canvassing of votes, shall be con-

ducted in conformity with an act of the general assembly of this state, entitled "An act to provide for the mode of voting by ballot, and for the manner of returning, canvassing and certifying votes," Approved February 12, 1849. And returns of all such elections shall be made to the city council, and canvassed and certified, so far as applicable, in conformity with said act and the laws of this state.

§ 5. *Be it further ordained*, That whenever it shall appear from the returns of an election for Mayor, that any two or more candidates, have an equal number of votes for said office, and that the same is the highest number of votes polled for any candidate, the election shall be determined by lot as follows, to wit: At the next meeting of the City Council thereafter, the Clerk shall prepare a number of ballots for each of the candidates having said equal number of votes, equal to the number of the members of said Council then present, and shall write the names of such candidates on the ballots prepared for them, respectively; he shall then deposit the said ballots in a box, in such manner, that no person, drawing a ballot, shall perceive the name written thereon; each member of the Council, then present, shall draw one ballot from the said box, and the candidate, whose name shall appear on a plurality of the ballots thus drawn, shall be declared Mayor of the said City. If two or more names shall appear on an equal number of ballots thus drawn, and said number be the highest, then a new ballot shall be made between them in like manner, dropping the other candidates; and so on, until an election by lot is effected in the manner already provided for.

§ 6. *Be it further ordained*, That whenever it shall appear from the returns of an election in any ward of said City, that two or more candidates have an equal number of votes for the office of Alderman therein, and that the same is the highest number of votes polled for any candidate, the election shall be determined by ballot in the same manner as provided in the last section, with the following exceptions, to wit: seven ballots shall be prepared and deposited for each of said candidates respectively; the Mayor shall draw seven ballots out of the whole number deposited, and the candidate, whose name

shall appear on a plurality of the ballots so drawn, shall be declared Alderman of the ward in which the election was held. In case of a tie upon the first ballot, other ballotings shall take place, in like manner, as provided in the last section, until an election be effected. In case the election shall have been held in such ward for more than one Alderman, and no one candidate receive a plurality of the votes of the electors, the Mayor shall make a separate election by lot as herein before directed for each Alderman, to which said ward shall be entitled.

§ 7. *Be it further ordained,* That whenever any person who has been a candidate for the office of Mayor, shall intend to contest the election of the candidate in whose favor the return has been made, it shall be his duty, within ten days from the day of such election, to give notice in writing of such intention to the person whose election is to be contested either by personal service of such notice, or by leaving the same at his usual place of residence ; and it shall also be the duty of such contesting party, within the time aforesaid, to file a petition with the Clerk of the Council, addressed to said Council, and setting forth his intention to contest the said election, together with the points upon which it is contested ; and thereupon the City Council shall appoint, at their next meeting, a committee to consist of one from each ward, to examine into the case, and to report thereon to the said Council. Said committee shall proceed to discharge the duty assigned them, by hearing testimony and otherwise, having first given five days' notice to both parties, to the time and place of making such inquiry, and shall report the result of their inquiry to the City Council, with a brief view of the testimony in the case, and of the reasons of their decision ; and thereupon the contest shall be finally determined by a vote of the said City Council : *Provided*, however, that the Council, before such final determination, may, if they think fit, proceed to re-examine the testimony in the case, upon giving a like notice to the parties, as herein before provided.

§ 8. *Be it further ordained,* That whenever any person, who has been a candidate for the office of Alderman, shall intend to contest the election of the candidate in whose favor the

return has been made, he shall give a similar notice, and file a similar petition to those required under the preceding section; and all the subsequent proceedings therein shall conform as nearly as possible, to those prescribed in the said section.

§ 9. *Be it further ordained,* That the chairman of any committee appointed under the two last preceding sections, and also the Chairman or President of the City Council shall be authorized, in the cases therein mentioned, to issue subpoenas for witnesses under their hands; and if any witness, upon whom said subpoena may have been served, shall refuse obedience thereto, he shall forfeit the sum of twenty-five dollars, to be recovered by action of debt in the name of the said City of Quincy.

§ 10. *Be it further ordained,* That in all cases of contest of election of city marshal, or of a tie in any such election, or of vacancy in the office of marshal, the same proceedings shall be had in all things, as near as may be, as is provided for in this ordinance in cases of aldermen. Any judge or clerk of any such election duly appointed and notified, who shall fail to attend and act at any election aforesaid, and to perform his duties, except in case of inability, or who shall conduct himself at any such election in a riotous or disorderly manner, shall for every such offence forfeit and pay to the city a fine of not less than five, nor more than twenty-five dollars, in the discretion of the court, to be recovered as other penalties.—The city clerk shall issue to the mayor and marshal elected under this ordinance, certificates of election.

NO. IV.

An Ordinance regulating the appointment of City Officers by the City Council, prescribing their duties, and providing for their removal.

- SEC. 1. City officers; what to be appointed by the city council, and when.—
 Their term of office. Duties of Assessors.
2. Duties of City Clerk.
 3. " Treasurer.
 6. " Marshal.
 7. " Overseer of the Poor.
 9. " Engineer and Surveyor.
 11. " Supervisors of Streets.
 12. " Clerk of Market.
 13. " Harbor Master.
 14. " Fire Warden.
 15. " Sexton.
 16. " Wood Measurer.
 17. " Measurer of Lumber, &c.
 18. What officers to give bond. All city officers to subscribe an oath, or affirmation.
 19. City officers how removed.
 20. " on vacating office to deliver over books, &c.
 21. " services of; how compensated.
 22. " to render an account of money received.
 23. " vacancies of; how filled.
 24. Majority of council present sufficient to elect.
 25. Duties of City Physician.
 26. Mayor may employ counsel.
 27. Superintendent of Schools.
 28. Inspector of Flour.
 29. " Weights and Measures.

SECTION 1. *Be it ordained by the city council of the city of Quincy,* That at the first meeting of the city council in each year, after the organization thereof, or as soon thereafter as practicable, the city council shall appoint by ballot, *viva voce*, or by resolution, as a majority of them shall determine, the following city officers: a city clerk, a city treasurer, a city overseer of the poor, a city engineer, one supervisor for each road district of the city, a clerk of the city market, a city harbor master, a city fire warden, a city sexton, a city wood measurer, a city measurer of lumber, buildings, materials, and other mechanical work, a city physician, a superintendent of city schools, a

city inspector of flour, and a city inspector of weights and measures, who shall hold their offices for one year, and until their successors shall be appointed and qualified, unless sooner removed by the city council. The city council shall also, on the first Monday of February in each year, or so soon thereafter as practicable, appoint a city assessor, in manner aforesaid, who shall hold his office for one year and until his successor shall be appointed and qualified, unless sooner removed, as aforesaid, and who shall perform such duties as may be required of him by the revenue and other ordinances of the city, or the laws of this state. The city council may also, from time to time, appoint such other city officers as they may deem necessary, and for such term, not exceeding one year, as they may see fit, and which appointments shall be in manner aforesaid.

§ 2. *Be it further enacted*, That it shall be the duty of the city clerk to attend the special and stated meetings of the city council; keep a correct journal of all its proceedings; record the same in a book to be kept for that purpose; record in a separate book all ordinances which may be passed, from time to time, by the city council, and cause the same to be published, within one month after they shall have been passed, in such newspaper of the city as the city council may designate; keep and preserve safely all papers pertaining to his office; prepare and deliver all licenses, bonds, and certificates of sale and redemption, on the receipt of the proper sums of money therefor; countersign all vouchers and deliver the same, when called for, taking a receipt for the same; notify all officers, appointed by the city council, of their election; and, generally, to do and perform such other duties as may at any time, be enjoined on him by ordinance or resolution of the city council. It shall be the especial duty of the city clerk at the close of each fiscal year, to make out and publish in the newspaper selected to publish the city proceedings, a full and complete statement of the receipts and expenditures of said city during such year, and showing on what account received and expended. And such fiscal year shall commence on the first day of April in each year, and shall end on the first day of the next succeeding April, excluding the first and including the last of said days.

§ 3. *Be it further ordained,* That it shall be the duty of the city treasurer to keep a true and accurate account of all money paid into the treasury, by whom and on what account received; keep a distinct account of the costs, expenses and receipts connected with the "*Quincy Cemetery*," and in making reports to the city council, to make a separate and specific report of the same; pay out all such sums of money as may be ordered by the city council, vouchers therefor being signed by the mayor or president of the city council and countersigned by the city clerk; and, finally, to make an annual report of the state of the treasury and of his doings to the city council, or oftener, if required by said city council. And the treasurer shall perform such other duties as may be prescribed by ordinance or resolution of the city council.

SECTIONS four and five, *repealed*.

§ 6. *Be it further ordained,* That it shall be the duty of the city marshal to execute all writs, or other process issued by the mayor; collect all fines, forfeitures and penalties, which may accrue to the said city, not otherwise provided for by ordinance, and in the performance of any duty enjoined on him by any ordinance or resolution of the city council, he shall be invested with such powers as are conferred upon constables by the laws of this State; remove all nuisances in conformity with any ordinance or resolution of the city council; give to the mayor all information that may be communicated to him, or come to his knowledge, of any and every breach of the ordinances of the city; and generally to do and perform all duties which may be enjoined on him by ordinance or resolution of the city council.

§ 7. *Be it further ordained,* That it shall be the duty of the overseer of the poor, on application of any inhabitant of said city, to furnish all such food, clothing fuel, medical and other aid in sickness, for poor persons residing within said city, as he may deem necessary, and to present all bills of expenses thereby accruing, to the city council for approval; and, generally, to perform such other duties as may be enjoined on him by any ordinance or resolution of the city council. It shall also be the duty of the overseer of the poor to take charge of

the city poor house and premises thereto belonging, and of the poor therein.

SECTION eight *repealed*.

§ 9. *Be it further ordained*, That the city engineer shall do and perform, within said city, all engineering and surveying, and such other duties pertaining to his office as may from time to time be prescribed to him by ordinance, order, or resolution of the city council, or cause the same to be done by some competent person. He shall, when requested so to do, survey any private lot in said city into so many parts or divisions as may be desired, and put down the necessary stakes; designate, when requested by any person about to build a house, or fence, or grade or make a sidewalk, the line of a street, lane, avenue or alley on which such house or fence is to be erected, or sidewalk made, and also the grade of such street, lane, avenue or alley; and make out and deliver to individuals, certificates of all surveys made at their request.

§ 10. *Repealed*.

§ 11. *Be it further ordained*, That it shall be the duty of supervisors of streets, in their respective road districts, to make such necessary repairs and improvements of the streets, lanes, avenues and alleys of said city, as the city council or mayor shall direct; to notify all persons in their respective road districts, liable to perform road labor, three days prior, of the time and place, when and where, and with what tools they are respectively required to labor on said streets, or any part thereof; and in default to appear and perform such labor, in compliance with such notice; to collect of every such delinquent the sum of one dollar for each day he may be in default, and in case of neglect of payment thereof, to notify the mayor thereof, in writing; to make out and return to the mayor, on or before the first days of July, October, January and April of each year, a complete list of all persons liable for road labor or tax, residing in their respective road districts, with the amount each person has paid and amount of labor by each performed, and where the same has been expended; and generally to be subject to the directions of the mayor or city

council in the discharge of their duties ; and further to exercise such powers, and perform such duties pertaining to their office, as are pointed out by the statutes in relation to county supervisors, as far as the same may be applicable, and where the same are not specially provided for by ordinance ; and, finally, they are required to do and perform all such other duties as may, from time to time, be imposed upon them by ordinance, order, or resolution of the city council. Said supervisors shall also make settlement with the city council, and pay over all moneys in their respective hands, as may be required by the mayor or city council.

§ 12. *Be it further ordained,* That it shall be the duty of the clerk of the market to superintend the whole of the market lot, and take charge of the market house, and all other buildings and fixtures that may be erected on said market lot, so as to prevent and punish, or caused to be punished, all injuries and damages which may be done to the same ; keep the market in a clean and wholesome state ; inform the mayor of all breaches of any ordinance or parts of ordinances relating to the market, whenever suit is necessary to enforce the payment of any fine, forfeiture or penalty accruing therefrom ; rent out, and lease from time to time, all stalls, benches, blocks, or other privileges and appurtenances thereunto belonging, which the City Council may direct to be rented and leased, on the best possible terms on the behalf and in the name of the said city, for any term not exceeding one year at a time ; demand, sue for, recover and receive the rents accruing, or distrain and sell forthwith any property of the lessee found within the limits of said city for the same ; receive all fines, forfeitures and penalties, or other sums of money accruing under any provision of any ordinance regulating the market, keeping a true and accurate account thereof in a book kept for that purpose, and pay over all such money to the Treasurer, taking his receipt therefor, and accounting with the city council at each stated meeting : maintain peace and good order on and about the market lot at all times, and particularly during market hours. And the said clerk is hereby authorized, whenever it shall be necessary to maintain peace and

good order, to arrest without precept or warrant all persons who may be found in and about said market lot, drunk, fighting, quarreling, revelling, threatening, swearing, blackguarding, pilfering, stealing, robbing, cheating, swindling, or otherwise disturbing the good people at or about said market, or committing other offences against the ordinances of said city, or the laws of this State, and confine such offenders in the goal of the county or city, until such time as his other duties will allow him leisure to carry such offenders before the Mayor of said city, or until he shall have opportunity of turning such offenders over to the custody of the city Marshal, to be dealt with according to the ordinances of said city and the laws of the land; and whenever it may be necessary to require assistance in making any such arrest, he may call on the bystanders so to assist, and every such bystander shall render such aid, or he shall be subject to the same penalties and proceedings as the offenders; *Provided*, however, that any person so arrested may be discharged from such arrest on payment to said clerk or city marshal, all penalties that may be annexed to any of said offences.

§ 13. *Be it further ordained*, That it shall be the duty of the harbor master to superintend the public landing, and to cause all the provisions of any ordinance relative thereto to be carried into execution, and, generally, to do and perform all duties therein enjoined on him, or that may hereafter be imposed by any ordinance or resolution of the city council.

§ 14. *Be in further ordained*, That the fire warden shall do and perform all the duties that may be required of him by any ordinance relating to the prevention and extinguishment of fires within the limits of said city.

§ 15. *Be it further ordained*, That it shall be the duty of the sexton to attend to the digging of all graves in the "Quincy Cemetery," the conveyance thereto of those to be interred therein, and the closing of the graves; keep a journal or a book, in which he shall record all interments, the time when made, the age and residence of the individual interred, and file a transcript therefrom in the office of the city clerk on the first day of January, April, July and October, which transcript the

city clerk shall record in a book kept for that purpose ; and finally, to see that the enclosures and grounds of said cemetery are kept in good order and condition.

§ 16. *Be it further ordained*, That it shall be the duty of the wood measurer, at all reasonable hours, to attend in any part of said city, when required, and then and there accurately measure any fire wood that may be shown to him for that purpose, and give to any person requiring the same, a certificate of the quantity so measured.

§ 17. *Be it further ordained*, That it shall be the duty of the measurer of lumber and other building materials, and mechanical work, at all reasonable hours, to attend in any part of said city, and then and there inspect and measure all such lumber and other building materials, and also measure such kinds of mechanical work, as may be shown to him for the purpose, and give to any person requiring the same a certificate of any such measurement and inspection.

§ 18. *Be it further ordained*, That the City Clerk, Clerk of the Market, Harbor Master, Marshal, Supervisors, Sexton, and Treasurer, shall, before entering upon the duties of their several offices, give bond to the city of Quincy, with sufficient security, to be approved by the city council, in such sum as the council may direct, conditioned for the faithful discharge of their several duties ; and each officer appointed by the city council shall also subscribe an oath or affirmation, that he will impartially and to the best of his judgement and ability discharge the duties of his office.

§ 19. *Be it further ordained*, That any officer appointed by the city council may be removed by a majority of said council, for incompetency, or any dereliction or violation of duty, on the complaint in writing of any inhabitant of said city, or whenever the said council shall think the interests of said city require such removal : *Provided*, however, that no officer shall be removed as aforesaid, until he shall have notice of such intended removal and of the charge or charges preferred against him, served on him by the city clerk, and an opportunity to exculpate himself before said council.

§ 20. *Be it further ordained*, That each officer herein men-

tioned, on his resignation, removal, or expiration of his term of office, shall deliver to his successor, all books, papers, or other property pertaining to such office.

§ 21. *Be it further ordained*, That each officer herein mentioned shall receive such salary or other compensation for services as the city council may, from time to time, by ordinance or otherwise, determine.

§ 22. *Be it further ordained*, That each and every officer of said city, receiving money belonging to said city, is hereby required, at each stated meeting of the city council, to render an account of all such money received, and whether the same has been paid into the treasury, unless there be a special provision to the contrary.

§ 23. *Be it further ordained*, That whenever there shall be a vacancy in any of the offices provided for by this ordinance, or that may hereafter be provided for by any ordinance, by reason of resignation, removal, or otherwise, the city council shall fill such vacancy at the next stated meeting thereof, unless the interests of said city should sooner require.

§ 24. *Be it further ordained*, That in the election or appointment of all city officers by the city council, the candidate for each office who shall receive the highest number of votes, shall be declared elected.

§ 25. *Be it further ordained*, That it shall be the duty of the city physician to attend professionally upon all city paupers when thereto required by the overseer of the poor, and as their wants shall demand.

§ 26. *Be it further ordained*, That whenever, in the opinion of the city council, or of the mayor, it may be necessary to employ counsel to act on behalf of the city in any suit, prosecution, or other matter, the mayor may employ such counsel, who shall be paid a reasonable compensation out of the city treasury.

§ 27. *Be it further ordained*, That it shall be the duty of the superintendent of schools to take the charge and direction of public schools within the city, in manner provided by ordinance, and to perform such duties as may be required of him by the city council.

§ 28. *Be it further ordained*, That it shall be the duty of the city inspector of flour to inspect all flour, when required, in pursuance of the ordinances of the city.

§ 29. *Be it further ordained*, That it shall be the duty of the city inspector of weights and measures to inspect all weights and measures within the city, in pursuance of the ordinances of the city.

NO. V.

An Ordinance relating to the Compensation of City Officers.

SEC. 1. Mayor's salary and fees.

2. City Clerk's do.

3. " Treasurer's compensation.

4. " Assessor's do.

6. " Marshal's fees.

7. " Engineer's do.

8. " Supervisor's compensation.

9. " Overseer of the Poor, his salary.

10. " Clerk of the Market, do and perquisites.

11. " Harbor Master's compensation.

12. " Fire Warden's do.

13. " Sexton's do.

14. " Wood Measurer's do.

15. " Measurer of Lumber do.

16. Restriction as to increase or diminution of pay.

17. City Physician.

18. Superintendent of Schools.

19. Inspector of Flour, and Inspector of Weights and Measures.

SECTION 1. *Be it Ordained by the City Council of the City of Quincy*, That the Mayor of said city shall receive a salary of two hundred and fifty dollars per annum, and such fees as may accrue to him through the mayor's court of the city, and by virtue of his office of justice of the peace, together with such compensation as may be provided by ordinance or resolution of the city council, for any extraordinary service required of him, or other duty than such as properly belongs to his office of mayor.

§ 2. *Be it further ordained*, That the city clerk shall receive a salary of three hundred dollars per annum, and the fol-

lowing fees: for entering order levying a special tax, on each lot or part of lot, twenty-five cents; for advertising, in case of special tax, on each lot or part of lot, including sale thereof, in case of sale, twenty-five cents; for each certificate of redemption from such sale, twenty-five cents; for each lot or part of lot deeded, including acknowledgment of deed, seventy-five cents; for issuing license, fifty cents, except ferry licenses, which shall be one dollar; for a license and taking bond, one dollar; for writing each official bond and certificate of qualification, fifty cents; but none of said fees shall be paid out of the city treasury. He shall, also, receive such fees as may be provided for in the revenue ordinances of the city, or may be allowed by ordinance or resolution of the city council.

§ 3. *Be it further ordained*, That the city treasurer shall receive as a compensation for his services, one per cent. on all moneys, other than of the school moneys, received by him, to be deducted at the time of receipt: and on all school moneys received by him two per cent., to be deducted as aforesaid.

§ 4. *Be it further ordained*, That the city assessor shall receive such compensation for his services, as the city council shall from time to time, by ordinance or resolution, allow.

SECTION five repealed.

§ 6. *Be it further ordained*, That the city marshal shall receive the same fees for service of process issued from the mayor's court, or by the mayor as justice of the peace, or otherwise, as is or may be allowed by the laws of this State to constables for like services; and also, the same fees in case of arrest without process, as if such arrest had been made on due process; ten per cent. on all fines, forfeitures and penalties for violation of any ordinance, collected without suit, when no special compensation is provided for by such ordinance; for every dog or slut killed by him by authority of any ordinance, fifty cents, to be paid out of the city treasury; for the registry of each dog or slut, twenty-five cents; twenty-five cents for keeping each hog or pig taken up, and fifty cents for the sale thereof; and also, such other fees as may be provided by the revenue or other ordinances of the city council.

§ 7. *Be it further ordained*, That the city engineer shall receive the following fees : for surveying any private lot in said city and marking the corners thereof, one dollar and fifty cents, to be paid by the person requiring the service to be performed ; for surveying and marking as above and sub-dividing the same, an additional fee of twenty-five cents for each subdivision, to be paid by the same person ; for designating the line or grade of any street, lane, avenue or alley, on which any person is desirous of building a house, erecting a fence, grading or paving a side walk, or where a side walk is ordered by the city council to be made, one dollar for each line and grade so designated, to be paid by the applicant, or owner of the lot : *Provided*, the grade shall have been established by the city council. He shall, also, be entitled to such other fees and charges as may be allowed him by ordinance or resolution of the city council.

§ 8. *Be it further ordained*, That the supervisors of streets shall each receive, out of moneys received by them in lieu of road labor, one dollar per day, for each and every day's services by them rendered, after working out their own road tax ;

§ 9. *Be it further ordained*, That the overseer of the poor shall receive a salary of one hundred and twenty-five dollars per annum.

§ 10. *Be it further ordained*, That the clerk of the market shall receive a salary of fifteen dollars per month, and ten per cent. of all fines, forfeitures and penalties collected by him without suit ; and also, such other fees and perquisites as may be allowed him by ordinance or resolution of the city council.

§ 11. *Be it further ordained*, That the city harbor master shall receive, as a compensation for his services, ten per cent. of all money received by him as wharfage, and fifty per cent. of all fines, forfeitures and penalties by him collected, and in addition thereto, ten per cent. on all sales made by virtue of the ordinance relating to the public landing, said fees to be deducted at the time of collection.

§ 12. *Be it further ordained*, That the fire warden and his assistants shall receive such compensation as the city council may, from time to time, determine.

§ 13. *Be it further ordained,* That the city sexton shall receive such compensation, in addition to fees which may be allowed to him by ordinance of the city council, as may be deemed reasonable by the city council.

§ 14. *Be it further ordained,* That the city wood measurer shall receive, as a compensation for his services, such fees as may be provided by ordinance of the city council.

§ 15. *Be it further ordained,* That the city measurer of lumber and so forth, shall receive, as a compensation for his services, such fees as may be provided by ordinance of the city council.

§ 16. *Be it further ordained,* That the salary of no officer herein mentioned, or that of any other officer rendered necessary by the creating of any office hereafter, shall either be increased or diminished during the term for which he is elected.

§ 17. *Be it further ordained,* That the city physician shall receive a salary of one hundred dollars per annum.

§ 18. *Be it further ordained,* That the superintendent of schools shall receive a salary of one hundred dollars per annum.

§ 19. *Be it further ordained,* That the city inspector of flour, and the city inspector of weights and measures, shall receive such fees as shall be provided for by ordinance of the city council.

NO. VI.

An Ordinance relating to Licenses.

- SEC. 1. Shows and public entertainments prohibited without license.
2. Stores, broker and exchange offices, taverns, pedlars and auctions.
 3. What considered a public show.
 4. How license obtained.
 5. Temporary license how obtained.
 6. Mayor or clerk may grant.
 7. Penalties for not obtaining license.
 8. Auctioneers to be licensed. City Council may cancel. To give bond.
 9. Auctioneers to make report of sales. Contents of report. Commissions to city.
 10. Penalties. Sale of wine, spirituous and malt liquors and cider, prohibited.

SECTION 1. *Be it ordained by the City Council of the City of Quincy,* That no person shall set up any public show or exhibition, within the limits of said city, without having first obtained a license therefor from the city.

§ 2. *Be it further ordained,* That no person shall set up or keep any store, place for the sale of any kind of merchandize, or ordinary, broker, pawn-broker's exchange, loan or money exchanger's office, or hawk or peddle any goods or merchandize, or sell any goods or merchandize or other property at auction, or keep any tavern within the limits of the city, without having first obtained a license therefor from said city.

§ 3. *Be it further ordained,* That all public shows, exhibitions and entertainments, or other public meeting, where pay for admittance shall be required, except ladies' fairs, library lectures, and concerts of music by citizens of Quincy, shall come within the provisions of the first section of this ordinance.

§ 4. *Be it further ordained,* That the city council, at any meeting thereof, may grant a license for any of the foregoing purposes, on a written application therefor, which application shall specify the business for which a license is desired, the average amount of stock, when the application is for a store license, and the place where said business is to be carried on; and the applicant shall pay for such license such a sum as the city council may determine: *Provided,* that if business is carried on in a different place or manner, or to a greater amount

than that stated in the license, the city council are hereby authorized to require such additional sum as they may think proper, which additional sum shall be paid to the city clerk on demand; and if any such licensed person shall fail to pay the same on such demand, the same shall be collected as debts in other cases, or the city council may cancel such license.

§ 5. *Be it further ordained*, That whenever any person shall wish to procure a license for any of the purposes mentioned in this ordinance, for a less term than three months, he shall file with the city clerk an application as specified in the fourth section of this ordinance, which the clerk shall present to the city council, if in session, and if not in session, to the mayor, and in case of the absence or inability of the mayor, to any two of the aldermen of the city, who shall determine the amount to be paid by the applicant, and upon the payment thereof and fees, the city clerk shall issue to the applicant a license as in other cases.

§ 6. *Be it further ordained*, That the mayor or city clerk, when the city council shall not be in session, on the proper application and upon the payment to him of five dollars for the use of the city, may grant a license to any person, in all cases where license is authorized and required under any ordinance of the city, until the next meeting of the city council. The mayor or clerk, as the case may be, shall at such next meeting present such application to the city council, who shall act upon the same, and the amount so paid by the applicant shall be allowed him as a part of the sum determined upon for a license in the case, by the city council.

§ 7. *Be it further ordained*, That any person who shall violate the provisions of this ordinance, or of any other ordinance of the city, relating to licenses, or requiring a license, and where not otherwise specially provided, shall forfeit and pay to the city of Quincy a sum not exceeding one hundred dollars, in the discretion of the mayor's court, which shall be recovered in the same manner as other penalties and fines for breach of city ordinances, are recovered.

§ 8. *Be it further ordained*, That when any person or persons shall wish to exercise the business of a common auction-

eer, within the limits of the city, he may obtain a license therefor from the city clerk authorizing him or them to act as such common auctioneer within the city, subject, however, to the approval of, and to be at any time cancelled by, the city council, for the period of one year; upon such person or persons, executing a bond to the city of Quincy in the penal sum of one thousand dollars, or more if required at any time by the city council, and conditioned for the faithful discharge of his duties as such auctioneer, and for the payment of all moneys which shall come to his hand, as such auctioneer, to the person or persons entitled thereto, and for the payment to the city of all commissions which may accrue to said city in his business under any ordinance; which bond shall be filed in the city clerk's office.

§ 9. *Be it further ordained*, That such auctioneer shall make a written report to the city council or the city clerk, once in every three months; which report shall be under both and shall set forth the names of persons for whom he may have made sales; the time of each sale, the kind of property, and amount sold for each person, and the total amount of sales for the preceding three months, and which report shall distinguish between property brought to the city to be sold at auction and that brought for private and other purposes in the ordinary routine of business; and for the purpose of enabling such auctioneers to ascertain this fact, he may require any person procuring such sale to be sworn and examined in this respect. And such auctioneer shall at the time of making such report pay the city clerk for the use of the city five per centum on all sales of property brought to the city, to be sold at auction, and one per centum on all other sales.

§ 10. *Be it further ordained*, That every auctioneer aforesaid who shall fail to make the report provided for in the ninth section of this ordinance, or who shall make a false report, or who shall exercise the business, or hold himself out as a common auctioneer within the city, without license, and every person procuring any property to be sold at auction, who shall refuse to make the oath and submit to the examination mentioned in said section of this ordinance, shall be subject to the

same forfeitures and penalties provided for in the seventh section of this ordinance. No person shall, within the limits of the city, sell, barter or exchange any spirituous liquors, wine, fermented or malt liquors, or cider, in a less quantity than one quart, except for purely medicinal, sacramental, or mechanical purposes; and every person offending in this respect, shall be subject to the same forfeitures and penalty provided for in the seventh section of this ordinance.

NO. VII.

An Ordinance regulating the sale of Lumber.

- SEC. 1. License to be obtained to sell lumber. City Clerk to issue license. Provide as to persons selling.
2. Raftsmen and others to obtain license.
 3. Harbor Master and Marshal to enforce this Ordinance.
 4. Penalties for violation.

SECTION 1. *Be it ordained by the City Council of the City of Quincy,* That lumber, including shingles, lath and square timber of every variety kept in the city for sale, shall be deemed merchandize, and the venders thereof shall be required to take out a special license therefor, to be denominated "lumber license," for which they shall pay to the city the same rates that are or shall be charged for store license; and no person shall be allowed to sell any of said articles within the limits of said city, without having procured said special license therefor, exclusive and independent of all other licenses, from the city clerk; *Provided, however,* that this ordinance shall not apply to any resident of the city not engaged in rafting or vending lumber, who may sell any single lot of lumber in the ordinary course of dealing, and not for the purpose of his gain or profit; nor shall this section be so construed as to include any of the above mentioned articles of merchandize manufactured within the city of Quincy or county of Adams, or to lumber sold to lumber merchants or dealers to sell again in said city, in strict accordance with this ordinance.

§ 2. *Be it further ordained,* That hereafter no owner or agent, or commander of any steamboat, raft, or other craft, or any other person not an actual resident of said city, shall be allowed to sell within the limits of said city, any lumber, shingles, lath or square timber, except to lumber merchants, or unless the same shall have been manufactured within the said city of Quincy or county of Adams, as provided in the first section of this ordinance, without having first obtained a license from the city therefor; for which license each person applying for the same shall pay five per cent. on the amount of his stock proposed to be offered for sale, by him duly certified and sworn to.

§ 3. *Be it further ordained,* That it shall be the duty of the city harbor master and of the city marshal, to inform all lumber dealers of the city and all persons landing for sale any lumber or raft of lumber, within the city, of the provisions of this ordinance, and to collect and pay over to the city clerk from all raftsmen, agents, or other persons, embraced within the provisions of this ordinance, the per centage and tax imposed by this ordinance. It shall be the duty of said harbor master, and of said city marshal, to cause all persons violating the provisions of this ordinance, to be prosecuted and the penalties herein provided for, to be collected: *Provided,* that the failure to give the notice before mentioned, shall not defeat the collection of any penalty herein imposed.

§ 4. *Be it further ordained,* That any person who shall violate the provisions of this ordinance, shall for every offence forfeit and pay fifty dollars, one half of which shall be paid to the informer, and the ballance into the city treasury, to be recovered in the name of the city, as other penalties are in case of violation of city ordinances.

NO. VIII.

An Ordinance to restrain Billiard Tables.

SEC. 1. Billiard Tables to be licensed.

2. Penalty.

SECTION 1. *Be it ordained by the City Council of the City of Quincy*, That no person shall keep a billiard table within the limits of the city, for playing billiards, without having first obtained a license therefor from the city council; which license shall be granted for one year, on payment to the city clerk of the sum of twenty-five dollars, and at that rate for a shorter time.

§ 2. *Be it further ordained*, That any person who shall violate the provisions of this ordinance, shall forfeit and pay to the city fifty dollars for every offence, which shall be collected as other penalties are for violation of city ordinances.

 NO. IX.
An Ordinance regulating Hackney Carriages, Wagons, Carts and Drays.

SEC. 1. Hackney Carriages, what declared to be.

2. Shall be numbered, registered, &c., and how—transfer, how made.

3. Persons wishing to keep such carriages, to apply to Mayor for license—license, how given—penalty for using without license.

4. Annual tax for Hackney Carriages.

5. Wagons, carts and drays, not to be used for hire unless numbered and registered—tax to be paid and certificate given—amount of tax for each—penalty.

6. Penalty for not entering and registering.

7. New certificate to be taken out annually.

8. Penalty for neglect so to do.

9. Penalties to create a lien on wagons, carts and drays.

10. Penalty for refusing, whilst unemployed, to haul a load.

11. Rates of fare for hauling—penalty for demanding and receiving a higher rate.

12. Certain exceptions to this Ordinance.

SECTION 1. *Be it ordained by the City Council of the City of Quincy*, That every four-wheeled carriage, drawn by two

or more horses, which shall be kept or used within said city, for the purpose of carrying persons to and fro, through the city, (mail stages only excepted,) or from said city to places without the same, or from places without the 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 ordinance.

§ 2. *Be it further ordained*, That no owner or owners of any four-wheeled carriage kept or used for hire as a hackney carriage within the limits of said city, shall himself employ or use, or suffer to be employed or used, any carriage kept or used for the purposes aforesaid, within the limits of said city, unless such carriage be first entered, numbered and licensed in the following manner to wit: each one shall be numbered in some conspicuous part of the body thereof, with plain and conspicuous figures in oil paint, or of metal, not less than two inches in length, to begin with number *One*, and so on progressively to the extent of the number of such carriages; and the same and all assignments and transfers shall be entered and registered, together with the name and place of abode of the owner or owners thereof, by the city clerk, in a book kept for that purpose, and such license shall not be assignable or transferable without the consent of the mayor of said city.

§ 3. *Be it further ordained*, That every person wishing to keep any four-wheeled carriage as a hackney carriage, within the limits of said city, or as aforesaid, shall make application to the mayor for a license to keep the same; and the mayor, on the payment of the fee as hereinafter specified, shall direct the city clerk to issue a license, which license shall be signed by the city clerk. Any person keeping or using, or who shall permit to be kept and used, any four-wheeled carriage for the purpose aforesaid, without first obtaining a license therefor, and causing such carriage to be numbered and registered as hereinbefore directed, shall forfeit and pay, for the use of said city, the sum of ten dollars for each and every offence.

§ 4. *Be it further ordained*, That the amount to be paid to the city clerk, for the use of said city, for a license to keep

a four-wheeled carriage as a hackney carriage, shall be five dollars per annum, or three dollars for six months, and fifty cents to the city clerk for every such license, and entering and registering the same or a transfer.

§ 5. *Be it further ordained*, That no owner or owners of wagons, carts, or drays, employed in the transportation of articles of any kind, within the limits of said city, for hire or pay, shall himself employ, or suffer to be employed, any such wagon, cart or dray, for the purpose aforesaid, within the limits of said city, unless such wagon, cart or dray be first numbered and entered in the following manner, to wit: they shall be numbered with plain and conspicuous figures in oil paint or of metal, not less than three inches in length, on the outside of the near shaft or side, to begin with number *One*, and so on progressively to the extent of the number of such carriages, and the same shall be entered and registered, together with the name and place of abode of such owner or owners, by the city clerk, in a book kept for that purpose.— Any person becoming the owner or purchaser of any such carriage, and upon which a tax has been paid, as is hereinafter provided, shall, within three days thereafter, have the same entered and registered in his own name, in the manner aforesaid; and upon failure thereof, every owner as aforesaid shall forfeit and pay, for the use of said city, the sum of ten dollars; and the city clerk shall thereupon give a certificate of such entry, and shall receive, for the use of said city, from the owner or owners of wagons, carts and drays aforesaid, the sums following, to wit: for each and every wagon, five dollars; for each and every cart, one dollar; and for each and every dray, three dollars per year; and the same course and proceedings shall be had and adopted in all future cases of persons setting up or following the said business or employment; *Provided*, that in cases of transfers of wagons, carts, or drays, the purchaser shall not be required to pay any additional tax thereon. (141

§ 6. *Be it further ordained*; That every owner or owners of wagons, carts, drays, who shall fail to enter and register his wagons, carts or drays as herein required, shall forfeit and

pay, for the use of said city, for each and every day the same shall remain unentered and unregistered, the sum of two dollars.

§ 7. *Be it further ordained*, That the owner or owners of any wagon, cart or dray shall, annually, appear at the office of the Mayor, and take out new certificates, for which certificates they shall respectively pay the city clerk, the sum before mentioned.

§ 8. *Be it further ordained*, That the owner or owners of wagons, carts or drays, who shall fail to take out new certificates, as herein required, shall forfeit and pay, for the use of said city, for each and every day which he shall be in default, the sum of two dollars.

§ 9. *Be it further ordained*, That the penalties hereby imposed shall be and continue liens on the wagons, carts and drays, in respect whereof they may have been incurred, till the same are paid and satisfied.

§ 10. *Be it further ordained*, That no driver of a regularly licensed wagon, cart or dray, shall, whilst unemployed, refuse to haul a load or loads, for any person or persons, who shall tender him the regular fee, under a penalty of five dollars.

§ 11. *Be it further ordained*, That the fare of wagons, carts and drays, for hauling shall not exceed the following rates, to wit: for a wagon, cart or dray load, two squares or less, twenty five cents, over two squares and not exceeding half a mile, thirty seven and a half cents; over half a mile, fifty cents; and any person who shall demand and receive a higher rate than those herein specified, shall forfeit and pay, for the use of said city, the sum of five dollars for each and every offence.

§ 12. *Be it further ordained*, That this ordinance shall not apply to persons residing out of said city and coming to market, who shall transport, for hire or pay, any article from said city to any place without the same; nor in any wagon or cart employed on any public improvement of the city now under contract, provided such wagon or cart is not used for other purposes of hire while so employed.

NO. X.

An Ordinance to define and prohibit Nuisances.

- Sect. 1. Relating to buildings and other obstructions—notice for removal to be given—penalty for not complying therewith—exception in favor of persons building, &c.
2. Certain other nuisances defined—penalty—notice for removal—penalty for not complying therewith—notice, how given and to whom—conditional exceptions.
3. Dead animals, not to be brought into the city, or left to putrify—penalty. &c.
4. Dogs and sluts, hogs and pigs, running at large, declared nuisances.
5. Lots to be so graded as to prevent stagnant water—notice to fill up lots to be given—penalty for not complying therewith, and course to be pursued by City Council.
6. Owner of dead animals to bury or remove same—penalty for failure—shall pay expense, if done by city.
7. Privies, how built—when a nuisance—penalty.
8. Duty of Marshal on complaint of nuisance—notice to abate—prosecution on failure.
9. Citizens may complain of any nuisance—Marshal's duties. Shall be abated—expense of abatement. Mayor's duties. City Council may declare nuisance and order abatement. Marshal to abate—expense of same.
10. Owner to keep premises free of filth—penalty for failure—Marshal to remove—expense of same.

SECTION. 1. *Be it ordained by the City Council of the City of Quincy,* That if any person shall place, or erect, or cause to be placed or erected, on any public ground, or in any public street, lane, avenue or alley of said city, any building or other obstruction, the same shall be deemed a nuisance; and any person so offending shall be notified by the city marshal, in writing, to remove the same on or before a day to be specified in said notice, and on failure to comply with the same, such person shall forfeit and pay, for the use of said city, the sum of five dollars; and the city marshal shall forthwith cause such building or other obstruction to be removed at the expense of the person so offending, which fine and expense shall be collected as in other cases: *Provided,* that any person engaged in erecting a building or fence, or improving any lot on any such street, lane, avenue or alley, may receive a written permission from the city marshal to deposit materials therein,

and contiguous to such lot for such length of time as said marshal may deem necessary for such erection and improvement ; and, *Provided further*, that any person desirous of obtaining such permission shall pay therefor the sum of fifty cents per week ; and that such permission shall not extend to more than one half of the width of the side walk adjacent to such improvement, or to more than fourteen feet of the street adjacent to said side walk, the gutter always being left free and unobstructed.

§ 2. *Be it further ordained*, That if any person shall erect or maintain, or cause to be erected or maintained, any obstruction across any water course or ravine, within the limits of said city, so as to make stagnant water therein ; or shall deposit any noxious or offensive matter, earth, stones, straw, hay, manure or any other article or substance whatever which may tend to obstruct the gutter of any street, lane, avenue or alley, or endanger the health of the citizens, or shall conduct into any street, lane, avenue or alley of said city, through sewers or otherwise, any filthy or unclean water from his kitchen, house, shop or manufactory ; or shall keep or maintain privy-vault, hog-pen, manure or sink-hole, in such place or manner as shall be offensive to the neighborhood in which the same may be, or be likely to be injurious to the health of any of the citizens ; or shall erect, keep up, or maintain any slaughter house, the same shall be considered a public nuisance. Any person who shall offend in any of the foregoing respects, shall forfeit and pay, for the use of said city, a sum not less than five dollars, nor more than fifty dollars for every such offence, and shall be notified by the city Marshal to remove any such nuisance, and to purify and cleanse any such place, within a reasonable time ; and any person failing to comply with such notice, shall forfeit and pay, for the use of said city, the sum of two dollars for every twenty four hours any such nuisance may be suffered to remain, and all expenses attending the removal thereof. If the person owning any such house, lot or other place, is not a resident of said city, or cannot be found, the city Marshal may remove the nuisance at the expense of the city ; *Provided*, that in case of erecting, keeping, or maintaining any slaughter-house, or other place where an offensive

business is carried on, notice shall be given in writing to desist from pursuing any such slaughtering or other offensive business, and to purify and cleanse any such place within a reasonable time : and, *Provided further*, that any owner or occupant of any lot in said city, wishing to improve the same, shall not be liable to the provisions of this ordinance, if he raises the grade thereof so that no stagnant water shall stand thereon, said grade to correspond with that of the adjacent street, lane, avenue or alley ; and also, *Provided further*, that in no such improvement, shall any permanently running water be obstructed.

§ 3. *Be it further ordained*, That if any person shall bring or cause to be brought, within the limits of said city, any dead animal, and leave the same to putrify therein ; or whoever, being the owner or possessor of any animal which shall die therein, and knowing of its death, shall not cause the same to be removed, shall forfeit and pay, for the use of said city, the sum of five dollars for every such offence ; and the city marshal cause the same to be removed at the expense of any such person so offending, which fine and expense shall be collected as in other cases.

§ 4. *Be it further ordained*, That all hogs, pigs, dogs, and sluts, running at large contrary to the provisions of any ordinance relating thereto, are hereby declared to be nuisances, and shall be dealt with as therein provided.

§ 5. *Be it further ordained*, That all lots of land, within the limits of said city, shall be so graded by the owners thereof as to prevent standing or stagnant water thereon ; and the owner of each and every lot whereon any such standing or stagnant water may be, shall be notified, in writing, by the city marshal, to fill up and grade the same within a reasonable time, so as to prevent any such nuisance ; and any person failing to comply with such notice, shall forfeit and pay, for the use of said city, the sum of five dollars, and the city marshal shall forthwith report such failure to the city council ; and the city council shall take such measures relative thereto, and for filling and grading the same, as are provided in cases of refusal to make or repair side walks.

§ 6. *Be it further ordained*, That whenever any dead animal shall be within the limits of said city, as mentioned in the third section of the ordinance, or otherwise, the owner and the person in whose possession the same may be, or may have last been, shall, having knowledge thereof, within twenty-four hours thereafter, bury the same at least four feet under ground, or shall remove the same one-half mile beyond the limits of the city, and one-fourth of a mile beyond the residence of any family, office, or place of business; and any person failing so to do, shall forfeit and pay to the city of Quincy not less than five, nor more than fifty dollars, and shall pay to the city the expense of such burial or removal, should the same be done by the city authorities. This section shall in nowise affect any duty or penalty provided for in the third section of this ordinance.

§ 7. *Be it further ordained*, That no person or persons shall construct on his or her premises, any privy or privy vault within less than one hundred feet of any dwelling, store, office, or place of work or business, unless the vault be at least ten feet deep from the surface of the ground, and walled from bottom to top with stone, bricks, or wood, nor shall any such vault be within eighteen inches of the line of the adjoining premises. Any privy constructed contrary to the provisions of this section, within the limits of the city, shall be deemed a nuisance; and any person violating the provisions of this section, shall forfeit and pay to the city of Quincy not less than five, nor more than one hundred dollars.

§ 8. *Be it further ordained*, That it shall be the duty of the city marshal, on complaint of any citizen, to examine any privy or privy vault complained of, and if in his opinion it be offensive to the neighborhood, or to any person, he shall notify the owner or occupant thereof to abate the same; and if such owner or occupant neglect to do the same within three days thereafter, then the said marshal shall make due complaint, for prosecution in the premises, to the mayor.

§ 9. *Be it further ordained*, That in any case of any sink, gutter, private sewer, or any other thing within the limits of the city, of an offensive or unhealthy character, upon the

premises or within any building owned or occupied by any person, any citizen may make complaint thereof to the city marshal, whose duty it shall be to examine the matter or thing complained of, and if in his opinion the same is of an offensive or unhealthy character, he shall notify the owner or occupant thereof to abate the same; and if such owner or occupant shall not within three days thereafter abate the same, said city marshal shall make due complaint thereof, for prosecution, to the mayor. And in all such cases, and in any case of nuisance, the mayor may direct the marshal forthwith to abate such nuisance, and it shall be his duty forthwith to execute such order, and the owner or occupant of the premises, or of the thing abated, and each of them, shall be liable to pay to the city the expense occasioned thereby. The mayor may also, if he should deem the same necessary, in any special case, report the facts thereof to the city council, and the city council may either dismiss the complaint, or declare the matter or thing complained of a nuisance, and order an abatement thereof, which order shall forthwith be executed by the city marshal, and the owner or occupant, as the case may be, shall be liable to the city for all expense occasioned by such abatement.

§ 10. *Be it further ordained,* That the owner, owners, occupant, or occupants, respectively, of each lot, house, premises, or any appurtenance thereto, of whatever description, shall keep the same and every part thereof free of all filth, material or thing offensive to the neighborhood about the same, or of an unhealthy character, or which would be likely to contribute to disease, contagion or infection of any kind; and in case of failure so to do, each and every such owner, owners, occupant or occupants, shall forfeit and pay to the city of Quincy not less than three, nor more than one hundred dollars; and the city marshal shall cause the same to be cleansed and purified, and the owner, owners, occupant or occupants thereof, and each of them, shall be liable to the city for all expense occasioned thereby.

NO. XI.

An Ordinance relating to Dogs running at large.

- SEC. 1. Dogs and Sluts to be prohibited from running at large, except the same are registered, &c. Tax to be paid annually.
2. Dogs and Sluts running at large contrary to Ordinance, declared nuisances. Penalty therefor.
3. Shall be killed by City Marshal, after notice. Notice how given. Fee for killing.
4. Marshal not to be prevented from performance of duty under this Ordinance. Penalty.
5. Exceptions under this Ordinance.
6. Mayor may cause to be killed.

SECTION 1. *Be it ordained by the City Council of the City of Quincy*, That no dog or slut kept within the limits of said city, shall run at large within said limits, unless the owner thereof shall put upon the neck of such dog or slut a collar made of metal, or a collar having a metallic plate affixed thereto, on which the name of such owner shall be inscribed in plain letters, and unless such owner shall also give his name and a description of such dog or slut to the city marshal, who shall register the same in a book kept for the purpose, and at the same time pay to said city marshal a tax of one dollar for each and every dog, and five dollars for each and every slut by him kept and suffered to run at large, and thereafter annually pay a like tax on such dog or slut; and the city marshal shall, after deducting the fee for registry, pay the balance of such tax into the treasury, taking a receipt therefor.

§ 2. *Be it further ordained*, That every dog or slut running at large contrary to the provisions of this ordinance, shall be deemed a nuisance, and the owner thereof shall forfeit and pay for the use of said city the sum of five dollars.

§ 3. *Be it further ordained*, That every dog or slut running at large contrary to the provisions of this ordinance, shall be killed by or under the direction of the city marshal, and for which he shall be paid out of the city treasury, fifty cents for each dog or slut so killed.

§ 4. *Be it further ordained*, That no person shall in any

way prevent, or attempt to prevent the city marshal, or any persons acting by his direction, from performing any duty required by this ordinance; and every person so offending shall forfeit and pay for the use of said city, not less than ten dollars, nor more than twenty-five dollars for every such offence.

§ 5. *Be it further ordained*, That this ordinance shall not apply to any dog or slut under the age of two months, or to any dog or slut brought into the city by its owner, such owner not being a resident, until such dog shall have been in the city three days at least.

§ 6. *Be it further ordained*, That the mayor may from time to time, on an alarm of mad dogs, in his discretion prohibit, by notice in some public newspaper, all dogs from running at large within the limits of the city, and may appoint deputy marshals with authority to kill all dogs or sluts running at large within the city; and such prohibition shall continue so long as the public safety, in the opinion of the mayor, may require; and such prohibition shall remain in force until the mayor shall give public notice of the discontinuance thereof.

NO. XII.

An Ordinance relating to Swine running at large.

- SEC. I. Hogs and Pigs running at large declared nuisances—penalty therefor.
2. City Marshal to take up and confine all such Hogs and Pigs—if not redeemed to be disposed of—Marshal may employ help—interference with Marshal in performance of his duty prohibited, and penalty.
 3. Hog or Pig to be restored on payment of penalty and fee—if not redeemed, how sold—sale not to release owner from penalty and costs.
 4. Money received from sales, how disposed of—fees of Marshal.
 5. Additional fee to Marshal.
 6. No bidder at sale, Marshal to bid in the Hog or Pig for fees.
Owner may redeem.
 7. How advertised.

SECTION 1. *Be it ordained by the city council of the city of Quincy*, That every hog or pig found running at large in any street, lane, avenue or alley of said city, or in any uninclosed

place within its limits, is hereby declared a nuisance ; and the owner of each and every such hog or pig shall forfeit and pay, for the use of said city, the sum of one dollar for every twenty four hours such hog or pig shall run at large.

§ 2. *Be it further ordained*, That the city marshal is hereby required to take up and confine in a secure pen, pound or other place provided by him for that purpose, every hog or pig found running at large, and retain the same at least twenty four hours ; and if not redeemed within said twenty four hours he shall dispose of them as herein after directed ; and the said marshal in the performance of the duties required by this ordinance, may employ at his own expense all necessary aid ; and any person who shall prevent, or attempt to prevent said marshal, or those employed by him, from performing any of the duties required by this ordinance, shall forfeit and pay, for the use of said city, not less than ten dollars, nor more than twenty five dollars, for every each offence.

§ 3. *Be it further ordained*, That if the owner of any such hog or pig shall, within twenty four hours after the same is taken up, pay to the city marshal the penalty herein provided and the fee for taking up and keeping the same, such hog or pig shall be restored to the owner ; and if the owner does not redeem the same within said time by payment aforesaid, the city marshal shall, within the next twenty four hours, expose and sell the same at public auction to the highest and best bidder, for cash, between the hours of nine and ten o'clock in the forenoon at the place of confinement ; *Provided*, however, that the sale of any such hog or pig shall not release the owner from the penalty and costs incurred for permitting the same to run at large.

§ 4. *Be it further ordained*, That the money received on the sale of any such hog or pig, after deducting the penalty and twenty five cents for taking up and keeping, and fifty cents for selling such hog or pig, shall be paid to the owner thereof on application to the city marshal within six months after such sale ; but if no application is made, the balance over and above the marshal's compensation shall be paid to the treasurer, for the use of the city

§ 5. *Be it further ordained*, That the city marshal, in addition to the foregoing fees, is hereby authorized to retain, as fees, one half of all money by him received as penalties under this ordinance, and required to pay the balance into the treasury.

§ 6. *Be it further ordained*, That if no person shall bid at any sale the whole amount of costs for taking up, keeping and selling, provided for in this ordinance, it shall be lawful for the city marshal for himself, to bid thereon the amount of his costs and charges; and, no one bidding more, the property offered shall be struck off to the marshal as in other cases. And the owner of any hog or pig taken up, as aforesaid, may redeem the same at any time before sale of the same, as provided for in the third section of this ordinance.

§ 7. *Be it further ordained*, That the city marshal shall before selling any hog or pig under this ordinance, advertise the same by a written or printed notice, giving a description of the property and the time and place of sale, posted up at the front of the court house in said city for at least twenty-four hours before the time of sale, and said marshal may in his discretion, adjourn such sale from day to day, if necessary to get bidders. And, if said marshal have reason to believe that any hog or pig so taken up, is owned by any person residing without the limits of the city, it shall then be his duty to advertise the same, as aforesaid, for forty-eight hours.

NO. XIII.

An Ordinance relating to filling up of Lots and abating Nuisances.

- SEC. 1. Owners to keep lots with grade. Declared nuisance when. Owner to fill up. Penalty for failure.
 2. Lot may be sold for filling up. City may fill up. May sell for expense.
 3. Mode of procedure and costs.

SECTION 1. *Be it ordained by the City Council of the City of Quincy*, That it shall be the duty of all owners of lots with-

in the limits of the city, to keep the same and the surface thereof of such level and height as will cause the water to run therefrom to and along the grade of some adjoining street, alley, culvert or sewer erected under authority of the city. And whenever, from whatever cause, whether from erecting or grading streets, alleys, or side walks, under authority of the city, or from any other cause, any lot or part of lot shall be below the grade of the adjoining streets, alleys or sidewalks, so that the water thereon will not run off the same and from the surface thereof, but shall thereon stand and remain, whether stagnant or not, such lot or part of lot, in such condition, and in such quantity, as held or owned by any person or persons at the time of the commencement of such nuisance, is hereby declared to be a public nuisance. And the owner or owners hereof shall forthwith cause such nuisance to be abated, by filling up the ground where the water may remain and stand, to such height as will cause such water to run off such lot or part of lot through and along said street, alley, culvert or sewer erected under authority of the city. And every such owner or owners who shall fail so to do, for the period of ten days, shall forfeit and pay to the city of Quincy, for each and every ten days he or they shall permit such nuisance to remain unabated, as aforesaid, not less than five nor more than one hundred dollars.

§ 2. *Be it further ordained,* That in case the owner or owners of any such lot or part of lot shall fail to cause any such nuisance to be abated, as aforesaid, the city council may cause to be advertised and sold by the city clerk, such lot, or any portion thereof, to any person who shall bid the least quantity of such lot for the abatement of such nuisance, in manner aforesaid; and the city clerk shall execute to the purchaser a deed for the portion of such lot sold upon the order of the city council, such nuisance having been lawfully abated, in manner before mentioned, by such purchaser; and in case of any such nuisance upon any lot or part of lots, and of failure of the owner or owners thereof to abate the same, as aforesaid, the city council may, if deemed advisable, cause an assessment of the expense of abating such nuisance to be

made by the city engineer, which assessment shall be made in writing, returned to, and recorded by, the city clerk in his office. The assessment aforesaid shall exhibit the total expense of abating such nuisance, and in case the same shall be upon the premises of more than one person, and known to said engineer, said assessment shall exhibit an apportionment of such assessment upon each lot or part of lot, as the case may be, owned or claimed by different persons, as aforesaid, according to the estimated expense of filling or other work necessary upon each for the complete abatement of such nuisance, or the portion thereof to which such assessment may relate; and the city council may cause such nuisance, or any portion thereof, to be abated by filling up or otherwise, at the expense of the city. Each lot and part of lot upon which such assessment shall be made, as aforesaid, shall be sold by the city clerk for the satisfaction of the assessment aforesaid made upon them respectively, unless paid by the owner thereof, and such assessment shall constitute a special tax thereon according to the apportionment thereof, and shall be a lien, together with the costs of sale, upon every such lot or part of lot from the time of the recording of such assessment, as aforesaid.

§ 3. *Be it further ordained,* That the sales provided for in this ordinance, shall be made upon the same notice and in the same manner, except that the clerk shall make the sale, and the same right of redemption shall exist as is provided for in cases of sales for city taxes under the revenue ordinances of the city in force at the time of such sale, but a deed shall be executed to the purchaser upon his complying with the terms of sale, without further delay. The clerk shall be entitled to the same fees and costs as may be allowed in similar cases by the ordinances last mentioned, when not otherwise provided for.

NO. XIV.

An Ordinance relating to Streets, Alleys, and Side Walks, and Street Superintendent.

- Sec. 1. Mode of taking private property. Notice to be given, and jury called. Jury to be sworn and make assessment. Damages barred in case of non-claim.
2. When owners all petition, damages released. Release to be executed to the city and filed in clerk's office. Mayor may set aside inquest. City Council must approve.
3. Paving and grading of sidewalks.
4. Same to be done or paid for by owner. How done.
5. How special tax levied and collected. Proviso, in case of infants.
6. How sidewalks repaired. Owner failing, city to repair and collect off lot.
7. Road labor, how applied. Penalty for not performing.
8. Persons required personally to perform labor, or pay money in lieu thereof.
9. Earth not to be removed from sidewalks or streets without permission.
10. General duties of Street Superintendent. Mayor to be.
11. Further duties.
12. How contracts let and bids for opened.
13. City Council to act on bids and determine rights.
14. Bonds to be given by contractors.
15. Compensation of Mayor.
16. How claims against the city allowed. Auditing committee appointed; their duties. Clerk's duties. No claim paid until audited.

SECTION 1. *Be it ordained by the City Council of the City of Quincy,* That in all cases of laying out, opening, altering and widening any street, alley or avenue of the city, or of extending the same, when it shall be necessary to take private property, the mayor shall appoint a time and place for taking an inquest of all damage which may accrue to any and all owners of such property thereby, and shall cause notice to be given thereof to all owners of such property, and if it shall not be practicable to give such notice, then he shall publish a notice thereof in some public newspaper published in the city, and which notice shall, when published, be deemed sufficient notice to all persons interested. He shall also issue his warrant to the city marshal to summon a jury of six disinterested freeholders of the city, to appear at the time and place fixed upon for such inquest. All owners of such property may appear, claim and have the damages claimed assessed by such

jury, as in ordinary cases of inquests. The jury shall be sworn in each case to truly assess the damage to the owner claiming, occasioned by the taking of the property, taking into consideration all benefit, as well as injury, which may accrue to such owner thereby, and shall, after examining the premises and hearing the evidence adduced, return to the mayor their inquest, in writing. And a jury may be called from time to time, and continuance allowed, as the interests of the city or the rights of the parties may require, and the pannel may be filled, in case of absence, by the city marshal; *Provided*, that no inquest shall be necessary where no claim for damages is made, or when the owner and the mayor shall agree upon the amount of damages; and all persons not appearing and claiming damages at the time of such inquest, shall be ever barred therefrom.

§ 2. *Be it further ordained*, That in any case, when all the owners shall petition for the opening, altering, extending, or widening of any street, alley or avenue, the city council shall cause the same to be done, if deemed by them advisable, but such petition shall be taken as a release of all damages by the several owners. And in case of any agreement or release of damages, in any case, the owner shall execute to the city a written release thereof which shall be filed in the city clerks office. The mayor may set aside any inquest and, if necessary, cause inquest to be made anew. No owner shall be deprived of his property until all damages so assessed shall be paid or released, but the city council may refuse to allow the damages in any case assessed or agreed upon with the mayor. And in case of allowance the city council shall order payment accordingly, out of the city treasury.

§ 3. *Be it further ordained*, That whenever it shall become necessary and expedient to pave and grade the side walks on any street, avenue or alley, or any part thereof, within the limits of said city, the city council shall pass an order to that effect, which order shall set forth the particular locality where such paving and grading is required to be done, and the time that is allowed for completing the same; and the publication of such order in the paper selected by the city council to publish

their proceedings, for the time being, shall be deemed a sufficient notice to the owner or holders of lots fronting on any such street, lane, avenue or alley, where any such paving and grading is to be done as therein specified.

§ 4. *Be it further ordained,* That all such paving and grading shall be done in conformity with the grade of the street, lane, avenue or alley under the direction of the mayor; and all expenses of paving, grading, and repairing of any side walk shall be paid by the owners or holders of lots fronting where such paving, grading or repairing is to be done.

§ 5. *Be it further ordained,* That if the owner or holder of any lot or part of lot shall neglect to grade or to pave his sidewalk, in conformity with the order of the city council published as aforesaid, the mayor shall contract for the same to be done at the expense of the city, and shall make his report of the expense thereof to the city council, and the city council shall levy a special tax on such lot or part of lot respectively, in front of which the mayor may have contracted for any such grading or paving, which tax shall be of sufficient amount to cover the expense thereof, together with all costs and expenses connected therewith; and immediately after such levy the city clerk shall advertise and sell the same, or so much thereof as may be necessary to pay the expenses and costs of such grading or paving and costs of sale. The advertisement and sale shall be conducted according to, and governed by the ordinances of the city in force at the time of such sale, relating to the city revenue from taxes, and the same rights of redemption shall exist as may be provided for by such ordinances; *Provided, however,* that when any such lot, or part of lot, is wholly or in part owned by a minor heir, and the guardian of such minor heir shall, by a petition to the city council, establish the fact of such minority and of his authority to act as guardian, and desire to make any special contract with said city council for having any such paving or grading done, the said city council are hereby authorized to instruct the mayor to enter into such contract; and a memorandum of the terms of such contract, so authorized to be made, shall be entered upon the journal of the council, and

the further stipulation, that if the first payment of any such contract is not punctually made, the city council shall then proceed to levy a special tax, as aforesaid, covering the amount of such contract, interest and costs, and the same proceedings shall be had as if no such contract had been made.

§ 6. *Be it further ordained*, That whenever any repairs may be necessary to be made on any sidewalk, the owner or holder of the lot fronting thereon, or his agent, shall be notified by the mayor in writing thereof, which notice shall set forth, as nearly as may be, the nature and extent of the repairs required to be made; and if any such owner, holder or agent shall fail to have such repairs made within ten days after notice as aforesaid, or should the mayor be unable, by reason of there being no such owner, holder or agent a resident of the city, to give such notice, he shall proceed as in cases of failure to pave and grade sidewalks, and the city council shall levy all necessary taxes, and cause the same to be collected in the manner prescribed in the preceding section.

§ 7. *Be it further ordained*, That every male inhabitant of said city, over twenty one years of age, is hereby required to labor upon the streets, lanes, avenues or alleys, under the direction of the supervisor of the road district in which he shall reside, not exceeding three days in each and every year; and any person failing to perform such labor, after having had three days' notice of the time and place, when and where, and with what tools he is required to labor, shall forfeit and pay, for the use of said city, for each and every day he shall fail so to perform such labor, the sum of one dollar: *Provided*, that the supervisor has not received in lieu of said labor any equivalent, which he is authorized by ordinance, or order of the city council, to receive; and, *Provided, further*, That any member of any city fire company shall be exempted from the operation of this section, who shall exhibit to said supervisor, as soon as may be after being notified as aforesaid, a certificate under the hand of the clerk of said company, that he is an acting member thereof; and, *Provided*, also, that said company shall not contain more than sixty members.

§ 8. *Be it further ordained*, That each person liable to perform road labor within the city, shall *in person* perform the same, and in default thereof, shall be subject to the penalty provided for by the last section of this ordinance: *Provided*, however, if such person prefer so to do, he can pay to the supervisor of his district, at any time prior to the time he shall be required to perform such road labor, the sum of two dollars, which shall be received in full satisfaction of such road labor.

§ 9. *Be it further ordained*, That no person shall be permitted to remove the earth or substance from the sidewalk of any street, alley or avenue, nor from any street, alley or avenue of the city, thereby leaving such sidewalk below the established grade, nor be permitted to fill any such sidewalk, street, alley or avenue above the said grade without special permission from the mayor. Every person violating this section shall forfeit and pay to the city of Quincy not less than one nor more than one hundred dollars.

§ 10. *Be it further ordained*, That the mayor of the city shall be *ex officio*, superintendent of streets and all public works and improvements of the city, and he may appoint a deputy, with the consent of the city council, who shall discharge the duties which may be assigned him by the mayor and shall be under his direction. It shall be the duty of the mayor to see that the streets, alleys, avenues and sidewalks of the city are kept in repair and free from obstruction, and may for that purpose, at all times, call to his aid the city marshal; to contract for the grading and opening of streets and repairing the same; to contract for the grading, paving and repairing of sidewalks, when the owners or holders of the lots fronting on the same, fail to do such grading, paving or repairing, and to make report to the city council, in writing, of the cost of all such grading, paving and repairing, fronting on the lot, premises, or part of lot of each owner, giving a description of each lot or part of lot and the owner's name; to superintend all grading, paving and other works and improvements of the city, or done by the city; direct the supervisors in their several road districts in the discharge of their duties generally, and particularly, in the disposition of road labor therein, and

the mayor is authorized to exercise, when necessary, any of the powers and to perform any of the duties pertaining to the office of supervisor of streets, and to make, order or contract for the repair or improvement of any street, alley, avenue, or any other improvement or matter relating to the public highways of the city; and generally to take charge of, and superintend all public property, improvements, works, or other enterprise of the city, not otherwise specially provided for.

§ 11. *Be it further ordained,* That it shall be the duty of the mayor to receive all moneys which may be paid into the hands of supervisors in lieu of road labor, and receipt for the same; to apply all such money to the improvement and repairs of streets, in proportion as the same is received from the several road districts; to make a full written report of the same, showing the amount received from each district, and also for penalties for failing to perform road labor, and all expenditures of the same; which report shall fully exhibit all moneys received, when and by whom received, and when and to what purpose applied, together with such information and suggestions in relation to streets or other improvements as to him may seem useful. He shall also keep a fair record of his proceedings in the discharge of his duties, in a book kept for that purpose, which shall remain in the city clerk's office, always open for inspection; and finally, he shall in all things be subject to the control and direction of the city council, and shall perform such other duties as the city council shall from time to time require of him, and make exhibit and settlement with the city council when required.

§ 12. *Be it further ordained,* That in making any contract under this ordinance, or under any resolution of the city council, the mayor shall, if the amount thereof exceed fifty dollars, give notice to contractors of the work or improvement to be made, by a notice thereof published for ten days in some newspaper published in the city, unless in case of emergency, when such notice may be dispensed with, and whenever the amount of such contract exceeds one hundred dollars, a like notice shall be given for fifteen days, unless in case of emergency, when, with consent of the city council,

such notice and the bidding hereinafter mentioned may be dispensed with, particularly describing the work or improvement to be let and contracted for, and requesting all persons, by a certain day and hour, to deposit with the city clerk any bid they may wish to make, in writing and sealed; which said sealed bids shall, after the lapse of the time for bidding, be opened by the city clerk, in the presence of the city council, or of the mayor, and at least three aldermen.

§ 13. *Be it further ordained,* That the bids in the last section of this ordinance mentioned, shall be laid before the city council as soon as practicable thereafter, and the city council shall determine who is the lowest bidder, and to whom the work or improvement bid for shall be awarded. If, however, the city council should deem it advisable not to accept any bid made, they may do so, and shall thereupon direct notice to be given anew, or may make such other order in the premises as to them may seem most to the interest of the city.

§ 14. *Be it further ordained,* That the notice for sealed bids, provided for in this ordinance, shall, also, notify all persons that no bids will be noticed unless the same be accompanied with a written guaranty of some responsible person; that should the bid be accepted, the bidder shall forthwith enter into sufficient bonds with security to be approved by the mayor or city council, conditioned for the performance of his contract, to perform such work or make such improvement according to the tenor of his said bid. And when any contract of any kind shall be made under this ordinance, or any resolution of the city council, when the amount thereof exceeds fifty dollars, the party contracting shall give bond to the city in such sum as the mayor or city council may require, and with security to be approved by the mayor or city council, conditioned for the due and faithful performance of the work or improvement undertaken, and which said bond shall set forth the contract between the city and the party contracting to do the work or make the improvement.

§ 15. *Be it further ordained,* That for the extraordinary services to be rendered by the mayor under this ordinance, he

shall receive such extra salary or compensation as the city council may by ordinance or resolution deem proper.

§ 16. *Be it further ordained*, That no claim or demand against the city, unless the same be due by bond of the city, for salaries of offices of the city, or of such a nature as to require only payment, the amount being certain, fixed and fully liquidated as to amount, or capable of being reduced to certainty by computation only, shall be paid without having first been examined, ascertained and certified to by the auditing committee herein after provided for, and also, ordered to be paid by the city council. The city council shall so soon as practicable appoint an auditing committee for the purpose aforesaid, to consist of one alderman from each ward who shall hold this office until the next annual organization of the city council; and such committee shall be appointed at each annual organization aforesaid, or so soon thereafter as practicable, from year to year. It shall be the duty of the city clerk to lay before said committee all such claims presented for allowance, and said committee shall examine the same, and the proofs and allegations made, and may require special proof, and shall audit, allow or disallow as the rights of the parties and justice may require, and shall make report thereof in writing to the city council at each meeting thereof, which report shall be filed by the city clerk, and acted upon by the city council, so soon as practicable thereafter.

NO. XV.

An Ordinance relating to the making and completion of Alleys.

- SEC. 1. Majority of owners petitioning for Alley, survey and estimate of expense to be made.
2. Notice to be given. Claim of damages. Damages to be assessed. Notice of time and place. Damages not claimed barred.
 3. City Council to ascertain whole expense of Alley. Petitioners to pay amount into Treasury, and city to make Alley.
 4. Amount paid deemed an advancement, and may be reimbursed out of tax collected.
 5. Tax to be levied on Lots to pay expense of Alley.
 6. Any advancement of persons taxed, to be credited them.
 7. Clerk to make sale. How made.
 8. Alleys commenced to be completed under this Ordinance, at expense of persons interested.

SECTION 1. *Be it Ordained by the City Council of the City of Quincy,* That hereafter, when petition in writing shall be presented to the city council by a majority of the owners or persons in possession of the ground fronting upon any proposed alley, for such alley or any portion thereof, the city council may cause to be made a survey of such alley, or any portion thereof, and an estimate of the expense of opening and grading the same, which survey and estimate shall be made by the city engineer, and reported in writing, to the city council.

§ 2. *Be it further ordained,* That the city council shall, upon such report being made as aforesaid, cause notice to be given in some public newspaper of such survey and estimate, and requiring all persons interested and claiming damages by reason of the opening of such alley through their ground, or otherwise, to within twenty days after the giving of such notice, make claim thereof, in writing, specifying the amount of such claim and describing the ground claimed by them respectively, and to file the same with the city clerk. The city council also may, in their discretion, cause a similar notice to be delivered by the city engineer to the owners or persons in possession of any such ground. The city clerk shall lay before the city council, at their next meeting, all

such claims of damages aforesaid, and the city council shall, after the lapse of said twenty days, cause all damages aforesaid claimed, and all damages to any ground through or over which such alley or part of alley may pass, to be ascertained and assessed by jury in the same manner as is now, or may hereafter be provided for by ordinance in case of streets and alleys, and according to the provisions of the city charter, and shall cause notice of the time and place of making such assessment to be given in some public newspaper, or by delivering such notice in writing to the several owners thereof.— After the assessment aforesaid shall have been made, all persons shall be barred of further claim of damages.

§ 3. *Be it further ordained,* That the city council shall cause to be ascertained from such survey and estimate aforesaid, together with the amount of damages which may be assessed as aforesaid, the total amount of the expense of such alley or part of alley. The persons interested in such alley or part of alley, shall thereupon deposit with the city treasurer the amount of such total expense, and upon filing a receipt therefor, together with a schedule showing by whom paid and the amount paid by each person, with the city clerk, the city council shall proceed without delay to cause to be paid all damages as aforesaid assessed, to the persons entitled thereto, and to lay out, open and grade such alley or part of alley for public use, and the same shall thereupon become a public highway of the city.

§ 4. *Be it further ordained,* That the amount paid as aforesaid into the city treasury shall be deemed an advancement to the city by each person, in proportion to the amount by him or her respectively advanced according to the schedule aforesaid; and each of said persons shall be reimbursed such advancement by the city, in proportion as the nett proceeds of the assessment and sale of grounds fronting on such alley or part of alley, hereinafter provided for, shall bear to the total amount so advanced, as shown by the schedule aforesaid, but not otherwise. And the nett proceeds of such assessment and sale shall be applied, under the direction of the city council, to such reimbursement, after deducting therefrom the

difference between the said estimated and actual total expense of such alley or part of alley.

§ 5. *Be it further ordained*, That the city council shall, immediately after the making, opening and grading of such alley or part of alley, ascertain the actual total expense thereof, and shall cause an assessment and apportionment of the same to be made by the city engineer, upon and against the grounds fronting on such alley or part of alley, according to the divisions thereof as held and owned by the several owners thereof, as correctly as the same can be ascertained. And the city engineer shall make out a list of such assessment, showing, by sufficient description, each piece of ground aforesaid fronting on such alley or part of alley, the name of the owner, if known, and the amount of the total expense aforesaid assessed and apportioned to each, and said assessment and apportionment shall be made upon each piece of ground aforesaid fronting on such alley or part of alley, according and in proportion to the front or line of each piece on such alley or part of alley, and such assessment shall be a lien upon such piece of ground fronting as aforesaid upon such alley or part of alley to the extent of the amount so assessed upon the same, and said assessment list shall be filed with the city clerk.

§ 6. *Be it further ordained*, That the city council shall cause the said assessment list to be examined, and any amount advanced as aforesaid by any owner of any piece of ground fronting as aforesaid on said alley, to be credited upon the amount so assessed against such piece of ground, or to be applied, so far as necessary, in payment thereof, and the balance only remaining unpaid shall be collected off said piece of ground. Any person may pay to the city clerk, at any time before the sale hereinafter provided for, the amount unpaid and assessed against any piece of ground as aforesaid, or in proportion upon any portion thereof owned by him or her, according to the front thereof.

§ 7. *Be it further ordained*, That the city clerk shall advertise for sale all pieces of ground upon which the assessment, aforesaid, or any portion thereof shall remain unpaid,

and the whole or so much thereof, respectively, shall be sold as will pay the amount of said assessment and cost unpaid thereon. The ordinances of the city now, or hereafter to be in force regulating sales of lots within the city for any special tax assessed from grading and paving sidewalks, shall apply to sales under this ordinance; and in all things of advertisement, sale, redemption, and deed, as in every other matter, the said ordinances shall apply to and govern the proceedings to be had under this ordinance.

§ 8. *Be it further ordained*, That in all cases when any alley may have been heretofore laid out or declared such by the city council, but shall not have been completed by grading and opening, and the city council shall deem it advisable to grade and open the same for public use, the same shall be done in manner herein provided, and only upon the ascertainment of the total expense thereof aforesaid, and the advancement of such expense as aforesaid, and in such case such proceedings shall be had in all things to completion thereof as is herein provided for in case of original alleys.

NO. XVI.

An Ordinance regulating the Quincy Cemetery.

- SEC. 1. Land appropriated for a Cemetery.
2. Certain divisions made into lots, &c.
 3. Certificate to purchasers of lots, and deed—forms thereof.
 4. Interments, how made—fencing, &c. of lots regulated.
 5. Fees for digging graves, &c.
 6. Sexton to have charge of Cemetery.
 7. Cemetery funds, how applied.
 8. Penalty for digging graves without permission.
 9. Trespassers, how dealt with.
 10. Credit to be given. Notes to be collected.

SECTION 1. *Be it ordained by the City Council of the City of Quincy*, That the tract of land purchased of E. B. Kimball for a burial place, and particularly described in a deed from said Kimball to the President and Trustees of the Town of Quincy and their successors in office, recorded with the Re-

cords of deeds in the county of Adams, book K. page 151, be continued for that purpose only, and called the "*Quincy Cemetery*," and so designated in all certificates and bonds to purchasers of lots therein.

§ 2. *Be it further ordained*, That said tract of land shall be divided and set apart, as heretofore, to wit: so much thereof as is included in the lots numbered from *One to Three Hundred and Twelve*, in the north and south divisions according to the survey thereof, shall be subject to entry and sale at ten dollars for each lot, one half to be paid in hand and the balance in six months; so much thereof as is designated in said survey as the "*Potter's Field*" shall be for the interment of strangers and other persons, whose friends may so desire, on application to the sexton, and the payment to him of one dollar toward the cemetery fund, and so much of the said Potter's Field as is designated as "*Stranger's Ground*" shall be appropriated to the burial of individuals without charge.

§ 3. *Be it further ordained*, That every person purchasing a lot as aforesaid, on payment of the first instalment, shall be entitled to a certificate in the following form, to wit:

"Received at Quincy, this day of A. D. 18
Five Dollars, being the first instalment for Lot No. in the
'Quincy Cemetery,' and on payment of a further sum of Five
Dollars to the city clerk of said city of Quincy, the said
will be entitled to a deed of said lot.

City Clerk."

which certificate shall be signed by the city clerk, and entry made of all such sales made by him in a book kept for that purpose, specifying the number of the lot, the name of the purchaser, the price thereof, and date of the sale. On payment of the last instalment as herein provided, the purchaser shall receive a deed of the lot purchased, to be made and executed by the mayor in the following form, to wit:

"Know all men by these presents, that the city of Quincy, in the county of Adams and State of Illinois, in consideration of Ten Dollars paid by the receipt whereof is hereby acknowledged, have granted, bargained, and sold, and do hereby grant, bargain, sell and convey unto she said

his heirs and assigns forever, Lot No. _____ in the "Quincy Cemetery," a plat of which will be seen by reference to the records of said Adams county, in book K, page 154.

"To have and to hold said Lot No. _____ to him the said _____ his heirs and assigns forever for a burial place, and for no other purpose whatever, and subject to such regulations as shall be established by the city council in relation to said cemetery; *Provided*, that such regulations shall not be repugnant to the spirit and intent of a deed of said land from Edward B. Kimball.

In testimony whereof, I, _____ Mayor of said [SEAL.] City of Quincy, have hereunto set my hand and caused the seal of said city to be affixed, this _____ day of _____ A. D. 185 _____. Mayor.

"State of Illinois, }
Adams County. } ss. This day personally appeared Mayor of said city of Quincy, personally known to me to be the person who executed, and whose name is subscribed to the foregoing deed, and acknowledged the same to be his free act and deed for the uses and purposes therein expressed.

J. P. [L. s.]"

§ 4. *Be it further ordained*, That all interments on private lots, or other parts of the cemetery, shall be made at least four feet deep, and the grave dug at least four and a half inches within the line of the lots; and all fencing, vaults or ornaments that may be erected by individuals on their lots shall be so erected as not to obstruct any of the alleys, walks or access to any of them; *Provided*, that any owner, in erecting a wall to enclose his lot, may build the same so as to extend a part, not more than four and a half inches on the adjoining lots.

§ 5. *Be it further ordained*, That the fees for the digging of graves, and for interments, shall be as follows, to wit: For each interment on private lots, two dollars, to be paid to the sexton from the estate of the deceased; for each interment in the "*Potters Field*," two dollars, to be paid in like manner, and where there is no such estate, or any individual liable therefor, the same shall be paid to the sexton from the city treasury; *Provided*, that in all cases where the sexton does

not attend the corpse from the residence of the deceased to the burial place, the fee shall be one dollar.

§ 6. *Be it further ordained*, That the cemetery shall be under the care and supervision of the sexton, subject to the order of the city council, for which he shall receive a reasonable compensation.

§ 7. *Be it further ordained*, That all funds (according to the provisions contained in the deed from said Kimball,) arising from the sale of cemetery lots, or otherwise, after defraying the cost of the cemetery, shall be appropriated to the payment of the taxes, current expenses and improvements thereof.

§ 8. *Be it further ordained*, That any person who shall dig any grave in the cemetery, except under the direction of the sexton, shall forfeit and pay, for the use of said cemetery, the sum of five dollars for every such offence.

§ 9. *Be it further ordained*, That if any owner of a lot or lots in the cemetery shall trespass upon the rights of any other owner or owners of a lot or lots therein; or on any of the walks, alleys, or grounds therein, or shall refuse or neglect to comply with the regulations of said cemetery, he shall be liable for damages in an action by said city of Quincy, before any court competent to try the same.

§ 10. *Be it further ordained*, That any person wishing to purchase a lot in the Quincy cemetery, and who shall be unable at the time of application to make payment therefor, shall be permitted to execute and deliver to the city clerk for the use of the city, a note with good security, to be approved by the city clerk, payable three months after date. And if such purchaser shall pay one-half of the purchase money down, he shall have six months' credit on the other half, by giving note and security as aforesaid, and in either case shall be entitled to a deed for the lot purchased, when paid for.— And it shall be the duty of the city clerk to cause to be collected, when due, all notes which shall be executed, or may heretofore have been executed for burial lots in said cemetery, and the proceeds thereof to account for to the city council.

NO. XVII.

An Ordinance relating to Woodland Cemetery.

SEC. 1. Deeds for Lots to be made by Mayor.

2. Injuring fence, trees, shrubs, or any other thing of Cemetery. Amusements. Disorderly conduct. Turning in animals. Using profane language. Disturbing persons. Penalty for. Quincy Cemetery.

SECTION 1. *Be it Ordained by the City Council of the City of Quincy*, That the mayor of the city is hereby authorized and required to execute, in the name of the city of Quincy and under the corporate seal thereof, any deed or deeds to any purchaser or purchasers of burial lots in Woodland Cemetery, on the written request of John Wood or his agent duly authorized by him to sell lots in said cemetery, the said John Wood or his agent preparing such deed or deeds ready for execution, and paying the expense accrued thereby.

§ 2. *Be it further ordained*, That any person who shall break down, deface, hack, or in any manner injure the fence or enclosure of said Woodland Cemetery, or who shall tear down, deface, or in any manner injure any lot, enclosure, tomb stone, material erected at any grave, or any shrub, bush, flowers, or other thing or ornament within said cemetery, or who shall cut, hack or deface any tree or shrub, post, or in any manner injure the same, or any other thing of, standing on, or being within, said cemetery, or who shall in any manner injure the grass, herbage, streets, walks, ornaments, or other thing of said cemetery, whether belonging to the city, or private property, or who shall leave open any gate of the enclosure of the same, or of any private burial place therein, the same being done wilfully, negligently, or carelessly, or who shall therein engage in any sports or amusements, or who shall turn any beasts or animals therein, or who shall therein congregate for sports, plays, or amusements, or who shall therein conduct in a boisterous, rude, or indecent manner, or ill-treat any person therein, or therein use profane or indecent language, or in any manner disturb therein any burial party, or individual there being for lawful purpose, shall forfeit and

pay to the city of Quincy, for every such offence, a sum not less than one, nor more than one hundred dollars. This section shall also apply to the Quincy Cemetery.

NO. XVIII.

An Ordinance relating to the prevention and extinguishment of Fires, and keeping Fire Buckets.

- SEC. 1. Fire Warden shall appoint two Assistants in each Ward. Their duties. Absences provided for.
2. Fire Warden to inspect stoves, fire-places, &c., semi-annually, or oftener if required. Notify persons to make repairs.
 3. Stoves, fire-places, &c., that may be unsafe, not to be used, after inspection, until repaired. Penalty. Provision for appeal to City Council.
 4. Hay, straw, &c., not to be stacked within one hundred feet of any building. Penalty.
 5. Fires in frame buildings having no chimney, &c., prohibited. Penalty.
 6. Fire Warden to have charge of ladders, fire-hooks, and other fire apparatus, except engine. Keep them in repair. Penalty for taking without leave of Warden.
 7. Fire Warden and Assistants, on alarm of fire, to repair immediately to place thereof, and direct efforts for extinguishing the same, &c. Authorized to command aid. Penalty for refusing to obey.
 8. Powers of Fire Warden and Assistants at fires.
 9. Certain persons to procure fire buckets for houses, &c.—how to be made, and number to each building.
 10. Penalty for neglecting to furnish fire buckets, &c.
 11. Fire buckets, where to be kept—how kept in repair—to be carried to places of fire—after fire those left to be taken to Engine House—penalty for violations of this section.
 12. Fire buckets, when procured, to be the property of the city—loss of, to be supplied by the city in certain cases.
 13. Fire Warden, or Assistants to examine houses and tenements, and report breaches of this ordinance.

SECTION 1. *Be it ordained by the City Council of the City of Quincy,* That the fire warden shall, by and with the consent of the city council, immediately after his appointment, appoint a first and second assistant fire warden for each ward in said city, which assistants shall do and perform any of the duties devolving on the fire warden, whenever he shall direct; and whenever the fire warden shall not be present at any fire in said

city, the assistants, in their respective wards, shall perform his duties, according to their seniority ; and should the fire warden and both assistants in the ward in which the fire occurs, be absent, in that case the duties of fire warden shall be performed by the assistants of the adjacent ward according to seniority, and in case of their absence, by the assistants of the remaining ward according to seniority.

§ 2. *Be it further ordained*, That the fire warden, or his assistants by his direction, shall, immediately after their appointment, in April, and also in November, or oftener if thought proper, inspect all stoves, fire-places, and other places in which fire may be kept in said city, and all stove-pipes, chimneys, funnels, or other apparatus therewith connected, for the purpose of ascertaining whether the same are so fixed as not to endanger the building in which the same may be, or to which they may be attached, or to endanger any other building in the city ; notify the occupants to make all necessary repairs, and see that the same are done within a reasonable time ; and any such inspection shall be made, on the request of any citizen at any time, for the purpose of ascertaining the safety thereof.

§ 3. *Be it further ordained*, That whenever, in the opinion of the fire warden or of his assistants acting under his direction, any stove, fire-place, or other appurtenance for the conducting of smoke or heat from any such place, may be in such a state as to render the keeping of fire therein unsafe, he is required to order the occupant of the building in which the same may be, or with which the same may be connected, to discontinue the making of fire therein, and to make all necessary and proper repairs to render the keeping of fire therein safe, in the opinion of the said fire warden or his assistant inspecting the same ; and if any person shall make a fire therein, and neglect to make such necessary repairs, after being ordered so to do as aforesaid, the occupant of any such building shall forfeit and pay, for the use of said city, the sum of ten dollars for every twenty-four hours the same may remain without such repairs being made, and used as aforesaid : *Provided*, however, that any person, feeling himself aggrieved by the decision or order of said warden or assistant, as the case may be, may appeal

therefrom to the city council at the first meeting thereof after notice as aforesaid; but in all cases, the order of said fire warden, or assistant, to discontinue the making of fire therein, shall be complied with until the final decision of the city council on such appeal.

§ 4. *Be it further ordained,* That no person shall, within the limits of said city, stack or cause to be stacked, any hay, straw, or other combustible material within one hundred feet of any building where fire may be kept; and every person so offending shall forfeit and pay, for the use of said city, the sum of five dollars, and five dollars for every twenty-four hours the same may be suffered to remain, after notice from the fire warden or assistants in the ward to remove the same.

§ 5. *Be it further ordained,* That no person shall build, make or kindle, or cause to be made or kindled, any fire in any frame building, plank or other temporary shed of lumber, or house made of plank or other lumber, without having a chimney, stove, or vault, in which to build, make or kindle such fire; and every person so offending shall forfeit and pay, for the use of said city, the sum of five dollars for every such offence.

§ 6. *Be it further ordained,* That the fire warden shall take charge of all ladders, fire-hooks, and other fire apparatus belonging to said city, excepting fire engines, and see that the same are kept in proper order and condition, and in their proper place of deposit, when not in actual use, or undergoing repairs; and if any person shall take from said places of deposit any such apparatus, except under the direction of the fire warden, to be repaired, or on the alarm of fire, except the fire engines, he shall forfeit and pay, for the use of said city, the sum of five dollars for each and every offence, and five dollars for every twenty-four hours he shall neglect to return the same to its proper place of deposit, after being notified by the fire warden or his assistant so to do.

§ 7. *Be it further ordained,* That the fire warden and his assistants shall, upon notice of the breaking out of any fire in said city, repair immediately to the place thereof, vigorously exert their authority, and use their best endeavors to

extinguish the same, and prevent the spreading thereof, and to preserve and protect the property endangered by the same; and all persons are hereby required to pay due respect and obedience to their commands; and any person who shall neglect or refuse so to do, shall forfeit and pay, for the use of said city, the sum of five dollars for every such offence; and the fire warden or any assistant so aggrieved, shall be a competent witness to prove such offence.

§ 8. *Be it further ordained,* That during the continuance of any fire, the said fire warden and assistants are hereby empowered to command and require the services and assistance of any person for the purpose of extinguishing the same, and for removing household furniture, goods, wares and merchandize out of any building actually on fire, or in danger thereof, and to control and direct the operations of all persons concerned in extinguishing the fire or removing property as aforesaid, and to appoint proper guards to take care of all property so removed; and also to command and require the services and assistance of any person for the pulling down or blowing up of any house or other building, and to perform any other service for the purpose of extinguishing the fire and preventing the spread thereof; and also to suppress any tumult or disorder that might arise during the continuance thereof.

§ 9. *Be it further ordained,* That every person holding a freehold, or any greater estate, or a lease for a term of not less than ten years, in any house, store, warehouse, shop, office, or any other tenement occupied as a place of residence or business, within the limits of said city, shall provide, at his own expense, for each story of such house or other tenement as aforesaid, at least one strong and substantial leathern or tin bucket, on which shall be marked, with paint and in plain letters, the name of the owner; and if the bucket shall be made of tin, it shall be painted and provided with a strong and suitable rim around the bottom; the buckets, in either case, to be made in the usual form of fire-buckets, and of a size sufficient to contain at least two gallons. If two or more persons shall be owners of, or interested in, jointly or in

common, any such house or other tenement as aforesaid, they shall be jointly and severally liable to the provisions of this ordinance; and if any such house or other tenement shall exceed thirty feet in front, one additional bucket shall be provided for each story, and kept as hereinafter directed, for every additional thirty feet, and in the same proportion for any greater or less excess of front over said thirty feet; and if any such house or other tenement shall be situated on a corner formed by two streets and fronting on both, the number of buckets shall be reckoned according to the longest front.

§ 10. *Be it further ordained,* That if any owner of any such house or other tenement shall neglect or refuse to provide fire-buckets as herein required, it shall be the duty of the tenant occupying the same to provide said buckets at the expense of the owner, or to report such neglect or refusal to the mayor immediately; and every such owner so failing to provide such buckets, or neglecting or refusing to pay for the same when provided by the tenant as aforesaid, shall forfeit and pay, for the use of said city, the sum of five dollars for each bucket so required by this ordinance; and every tenant who shall neglect to provide buckets or make report to the mayor as aforesaid, shall forfeit and pay, for the use of said city, the sum of five dollars for every such offence.

§ 11. *Be it further ordained,* That every person occupying any such house or other tenement shall keep all such buckets in some convenient and public part thereof, preserve the same in good repair at the expense of the owner, if any injury thereto is not occasioned by the neglect or abuse of the tenant, but if so occasioned, then at the expense of the tenant; take or send the same to any fire that may break out within the limits of said city, there to be used under the direction of the fire warden and his assistants; and if the occupant shall be absent from the house or other tenement, the buckets may be set out at the front door thereof by any member of the family, so that any other person may take them to the place of the fire, in which case the occupant shall not be liable to a fine. Whenever any such fire is extinguished, the

fire warden shall cause to be collected all fire buckets that may be left where the fire occurred, and placed in the engine house; and the occupants aforesaid shall forthwith return them to their proper places. If any person shall fail to comply with any of the requirements of this section, or shall use any of said fire buckets for any other purpose than as is herein prescribed, without a reasonable excuse therefor to the fire warden or an assistant of the ward wherein such person shall reside, he shall, on complaint of the fire warden or such assistant, forfeit and pay, for the use of said city, the sum of five dollars for every such offence.

§ 12. *Be it further ordained*, That all fire buckets provided by virtue of this ordinance shall be the property of said city, and deemed appurtenant to the house, or other tenement, for which they were provided; and no person changing his residence or place of business shall remove any of said buckets, but deliver the same in good repair to the owner of the premises, or the in-coming tenant; and if any bucket shall be lost or destroyed at any fire without the fault of the owner or tenant of the house, or other tenement, the fire warden or assistant of the ward shall certify his belief of such fact, and another bucket shall be furnished by said city to supply its place.

§ 13. *Be it further ordained*, That the fire warden, or his assistants under his direction, from time to time, and at least once in every six months, shall visit and examine every house and other tenement contemplated by this ordinance, and report to the mayor all breaches of any provision of this ordinance, that every offender may be subjected to the payment of any penalty herein provided for.

NO. XIX.

An Ordinance regulating the City Market.

- SEC. 1.** Market hours and days fixed.
2. Certain kinds of victuals and provisions to be sold at Market during market hours—penalty for violating this section—exception.
 3. Leading, riding, or driving horse, &c. or vehicle into the market house, killing and slaughtering on market lot, depositing filth, &c. prohibited—penalty.
 4. Wagons, &c. to be placed outside of the sidewalk, and spaces to be left between—penalty.
 5. Provisions for keeping market in proper condition—penalty for incumbering, &c.
 6. Sale of sick and diseased animals prohibited—penalty.
 7. Sale, and exposure to sale, of unsound articles, &c. prohibited—penalty.
 8. Certain kinds of meat prohibited from being sold without particular representation—penalty.
 9. None, except owner or occupant of stall, &c. to sell fresh meat by less quantity than the quarter—penalty.
 10. Quantity of provisions purchased at Market limited—penalty.
 11. Forestalling prohibited—penalty.
 12. Sale of liquors about the Market prohibited—other prohibitions—exceptions and limitations—provisions for preservation of health about the market—regulation about fires—penalties for violation of this section.
 13. Penalties for selling by false weights—duty of Clerk of the Market in such cases.
 14. Clerk of Market to prepare and post up rules and regulations in the market.
 15. Clerk of Market to issue permits.
 16. Persons prohibited from selling articles purchased at market. How vehicles to be placed. Penalty.
 17. Clerk of Market to keep book—to make settlements with Council. To pay over money to City Clerk. Penalty.
 18. Opening and closing of Market.
 19. Regulations of market.
 20. Duty of Clerk of Market. Who may sell in. Regulations of selling.
 21. Farmers and producers may sell.
 22. Site of butcher's stalls. Lease to be executed. Neglect to pay rent. Stand becoming vacant.
 23. Penalties.

SECTION 1. *Be it ordained by the City Council of the City of Quincy,* That the market of the city shall be open for the sale of all victuals and provisions from the dawn of day until ten o'clock, A. M., and from four o'clock, P. M., until dark, from the first day of April until the first day of October; and

from the dawn of day until twelve o'clock in the forenoon, and from two o'clock until dark in the afternoon, during the remainder of the year, Sundays excepted.

§ 2. *Be it further ordained*, That all victuals and provisions, whatsoever, offered for sale in said city, except all kinds of grain, flour, meal, bread, butter in firkins, or other vessels, exceeding fifteen pounds, nett weight, cheese, bacon, pork by the hog, beef by the quarter, beef and pork by the barrel, or large cask, live cattle, sheep or hogs, shall be taken to the market-house, there to be sold at market hours; and any person violating this section, whether vender or purchaser, shall forfeit and pay, for the use of said city, not less than one dollar nor more than five dollars for every such offence; *Provided*, That nothing in this section contained shall prevent any person from selling or purchasing any of the articles specified herein, out of market hours.

§ 3. *Be it further ordained*, That no person shall lead or drive into the market-house, or on any sidewalk thereof, any horse or other beast, wagon, cart or carriage of any kind whatever, or kill or slaughter, within the limits of the market lot, any beast of the beef, sheep or hog kind, or lay thereon, or deposit any dirt, filth, garbage, dung or effal therein, under the penalty of five dollars, for the use of said city, for every such offence.

§ 4. *Be it further ordained*, That no wagon, cart, dray, or carriage of any description, shall stand nearer the market-house than the outer edge of the side walk, and they shall be so arranged as to leave a space of at least three feet between them, and shall, in no case whatsoever, encroach on the passage or avenues, passing to or from the market, under the penalty of two dollars, for the use of said city, for each and every offence.

§ 5. *Be it further ordained*, That no person shall bring or deposit upon the market lot, any nuisance, or any lumber, wood, logs, timber, stone, lime, sand, brick or earth, or any hogsheads, pipes, puncheons, barrels, casks, or kegs, not containing provisions intending to be sold at market in the usual way, or any boxes or crates containing merchandize, or other

articles of merchandize, not intended to be sold in market in the usual manner, and every person so offending shall forfeit and pay, for the use of said city, the sum of five dollars for each and every offence, and a further sum in each and every case, of ten dollars per day, for each and every day, that all or any of said articles or things, shall remain upon said lot.

§ 6. *Be it further ordained*, That no butcher or other person, shall sell, or expose to sale in the market, any sick or diseased live animal, usually eaten for food, and for the purpose and with the design, that the same shall be immediately used for food, knowing or believing the same to be sick or diseased; and every person so offending shall forfeit and pay, for the use of said city, a sum of not less than five or more than fifty dollars; *Provided*, that each and every sick or diseased animal so sold as aforesaid, shall constitute a distinct and separate offence, under the provisions of this ordinance.

§ 7. *Be it further ordained*, That no butcher or other person, shall sell, or expose to sale in the market; any dead flesh or fish, which was sick, overheated, or worn or run down by dogs, at or before the time when the same was butchered or slain, or which hath died a violent or natural death, out of the usual manner of slaying animals, or hath been killed by accident, or casualty, or which is blown, stuffed, or in any way unsound; and no person shall sell or expose to sale, any unsound eggs, butter, lard, or other damaged articles of provision; and every person so offending shall forfeit and pay, for the use of said city, a sum of not less than five, nor more than fifty dollars; *Provided*, that each person to whom such offenders shall have sold any of said unsound articles, shall constitute a separate and distinct offence in the vender: *Provided, also*, that all articles exhibited in market, as though the same were intended for sale, whether the same be sold or not, shall be, and is hereby declared to be an exposure of the same for sale, within the meaning of this ordinance; and, *Provided further*, that if any such offender shall be a butcher, owning or occupying a stall, bench or block, in the market house, he shall forfeit his lease of said stall, bench or block, to said city, and shall never after be permitted to occupy any stall, bench or block in the market house.

§ 8. *Be it further ordained*, That no butcher, or other person, shall sell or expose to sale in the market, the flesh of any bull, boar, ram, dog, cat, or the flesh of any animal not commonly deemed wholesome or fit for food, without representing to all persons wishing to purchase, the nature and true quality, character and name of such animal flesh; and every person so offending shall forfeit and pay, for the use of said city, for each and every offence, the sum of ten dollars; and if such offender be a butcher, and the owner or occupant of a stall, bench or block in said market, he shall forfeit the same to said city, and shall be subject to all the disabilities and penalties resulting from such disabilities which are imposed on butchers by this ordinance.

§ 9. *Be it further ordained*, That no person or persons whatsoever, not being the owner or occupant of a butcher's stall, bench or block, in the market house, shall be permitted to cut up and sell, or offer for sale, any kind of fresh meat, by less quantity than by the quarter; under the penalty of five dollars, for the use of said city, for each and every offence.

§ 10. *Be it further ordained*, That no grocer, buckster, or any other dealer in provisions shall purchase at market more than ten pounds of butter, nor more than six dozen of eggs, nor more than two dozen of chickens, nor more than fifty pounds of bacon hams, either by themselves or agents, before ten o'clock, A. M., every morning, and after four o'clock in the evening; and all persons bringing butter to market shall have the same weighed and sold by weight, and in no other manner under the penalty of not less than one, nor more than five dollars, for the use of said city, for every such offence.

§ 11. *Be it further ordained*, That no butcher or other person whomsoever shall sell, or expose for sale, without the limits of the market, any victuals or provisions of any kind, which have been before purchased from any inhabitant of the country, bringing or who had brought the same to said city for sale, or within one mile thereof for sale, under the penalty of ten dollars, for the use of said city, for every such offence.

§ 12. *Be it further ordained*, That no person shall be allowed or permitted to sell, retail, give away, or use any wines or spirituous liquors, or any ale, beer, porter, cider, or any

brewed, fermented or mixed liquors or drinks, in or about the market house, or upon the market lot; nor shall any person be permitted to set up, or keep in said market house, or upon the lot, any table, board, or any contrivance for the purpose of eating or drinking at, about, or on the same, without the express leave of the clerk of the market, which leave shall not extend beyond the regular market hours; nor shall any such table, board or contrivance be set up, or kept in or upon any other place than such place as shall be designated by said clerk; nor shall any person be permitted or allowed to retail or sell any meats, fish, vegetables, bread or breadstuffs, in said market house, or on the lot, to be there used or eaten, without leave of said clerk; nor shall any person be permitted to throw, place, or deposit in, or upon said market lot, or in the market house, any melon rinds or parings, nor the rinds or parings of any fruit, potatoes, turnips, or other vegetables; nor shall any person be permitted to place or deposit upon said market lot, or in said market house, any refuse, putrid or offensive animal or vegetable matter; nor shall any person be permitted to use or smoke any pipe or cigar in said market house, or upon said market lot, during market hours; nor shall any person, during market hours, kindle or burn upon said market lot, or in or about said market house, any wood, turf, coal, or other matter, be kindled or burned on any other place on said lot, than such place designated by such clerk; *Provided, however,* that it shall be lawful for any person, without leave, to kindle and burn charcoal upon said market lot, and in the market house, in close earthen or stone vessels; *Provided,* that such vessels shall be moveable, and shall only be used as aforesaid during market hours, and at such places and in such manner as the clerk may direct, and so as to produce no inconvenience to persons being and passing in and about the said market house; and any person offending against any of the prohibitions of this section, shall for each and every separate offence, forfeit and pay, for the use of said city, the sum of ten dollars.

§ 13. *Be it further ordained,* That if any person selling any victuals or provision in said market house, shall sell to

any other person any article by weight, by false weights, or sell, or expose to sale, as having been correctly weighed, any such article, and as being of a certain weight, when in truth and in fact the same shall fall short thereof, it shall be the duty of the clerk of the market to take such article or articles into his possession, and sell the same at their true weight, for the use of said city; and every person so offending shall also forfeit and pay, for the use of said city, not less than one, nor more than ten dollars, for every such offence.

§ 14. *Be it further ordained,* That the clerk of the market shall, under the direction of the mayor, form a set of rules for the government of the market, which rules shall exhibit all the prohibitions and penalties contained in this ordinance; also, all regulations touching said market; in a short and condensed form, which rules shall be printed on a single sheet of good paper, in plain type, and shall be smoothly pasted upon boards or canvass of sufficient size, and two, at least, constantly hung up, one at each end of the market house, and others, if necessary, in the centre thereof, to be kept and exhibited to all persons going to said market.

§ 15. *Be it further ordained,* That it shall be the duty of the clerk of the market to execute permits to all persons, authorizing them to sell eggs, lard, butter, cheese, fish, poultry, wild game, fruits and vegetables at the market house, or on the streets and sidewalks adjoining the same, according to the rules governing said market, upon the applicant paying to him the sum of three dollars for a stall in the market house, and one dollar for a stand outside the market house, for the season, or such other sum as the city council may from time to time direct.

§ 16. *Be it further ordained,* That no person or persons shall sell, barter or exchange any eggs, lard, butter, cheese, poultry, wild game, fruit or vegetables, which may have been purchased by him or them at market, before the hour of eight o'clock, A. M., on any day. All persons attending said market with any cart or vehicle, shall place the same so that the back end thereof shall be towards and at the side walk of said market, and no such cart or vehicle shall stand lengthwise of

such side walk. Every person violating this section shall forfeit and pay to the city of Quincy not more than ten nor less than three dollars.

§ 17. *Be it further ordained*, That it shall be the duty of the clerk of the market to keep a market book, in which he shall keep a correct account of all permits issued by him showing the names of the persons to whom issued, the time the same respectively run, the amount received for each, the time the same issued and for what purpose, and also, of all moneys received by him as clerk of the market, of whom, in what amounts and when received; and shall exhibit the same to the city council and make full report to, and settlement with, the city council at each stated meeting thereof. He shall pay over all moneys due the city, monthly, to the city clerk, and take his receipt therefor, and the same exhibit to the city council on settlement with them. For any violation of this section or of any section of this ordinance, the clerk of the market shall forfeit and pay to the city of Quincy, not less than three nor more than ten dollars.

§ 18. *Be it further ordained*, That the clerk of the market shall be provided with a bell, and it shall be his duty to announce, by the ringing of the bell, the closing of the market hours, at least ten minutes before the time of closing.

§ 19. *Be it further ordained*, That every owner or lessee of a stall or stand in the market, and every person occupying a place or stand in the market, shall within thirty minutes after the ringing of the bell, cause his provisions, wagon, cart, or other thing, to be removed from the market, to some convenient place, under the direction of the clerk of the market; and if the lessee of a stall or stand, he shall cause the same to be thoroughly cleansed, and all offal, garbage and rubbish to be removed therefrom, and each butcher shall cause his tables, meat blocks, and other fixtures, to be thoroughly scraped and cleaned.

§ 20. *Be it further ordained*, That no provisions or other things shall be sold in the market, except during market hours.

It shall be the duty of the clerk of the market to cause the market house and market place to be thoroughly cleansed and

swept each day, and in the winter season to have the ice and snow swept from the side walks and steps as often as necessary.

No person not being the lessee of a butcher's stall, shall sell or offer for sale in the market, any sausage or sausage meat; and no other person other than farmers, not being the lessee of a butcher's stall, shall sell or offer to sell in market, any bacon hams, sides or shoulders.

No person, not being the lessee of a butcher's stall, shall sell or offer for sale in the market, or any place within the limits of the city, any fresh meat in quantities less than one quarter.

No butcher, or owner or lessee of any stall or stand in the market, shall sell or offer for sale, any fresh meat, at any other place within the limits of the city, except at the market house, and there only during market hours.

§ 21. *Be it further ordained*, That nothing in the preceding sections shall be construed to prevent any farmer or producer from selling his meat by the quarter, or any person who follows the business of packing beef or pork, from selling bacon of their own curing, or spare-ribs, and sausage meat, in the winter months.

No person not being a lessee of a butcher's stall, shall cut up and sell salted meat by the small quantity in market.

§ 22. *Be it further ordained*, That it shall be the duty of the committee on markets on the first Monday of April in each and every year, to establish and grade the prices upon butcher's stalls in the market, and on the second Saturday of April said committee shall proceed to lease at public auction to the highest bidder, all the butcher's stalls in the market, after having given public notice of the time and place of said leasing.

Every person bidding off a stall, shall within three days thereafter, execute a lease for said stall bid off by him, provided with two or more securities, to be approved by the committee on market, who shall be jointly bound with the lessee for the payment of the rent of the stall, monthly in advance.

If the lessee of any stand or stall, on demand being made, shall fail or neglect to pay the rent thereof at the time the

same shall become due by the terms of the lease, such lease shall be thereby forfeited.

Whenever any stall or stand shall become vacant, or the lease thereof forfeited, the committee on markets may proceed to let the same for the unexpired term.

§ 23. *Be it further ordained,* That every person offending against any of the provisions of this ordinance, shall forfeit and pay for the use of said city, a sum not less than one, nor more than twenty-five dollars for each an every offence, where not otherwise herein specially provided.

NO. XX.

An Ordinance relating to the Public Landing.

- SEC. 1. Public Landing—extent thereof.
2. Landing within certain limits to be exclusively for use of Steamboats.—Penalty for breach of this section.
 3. Harbor Master to assign places to boats. Penalty for not complying with his orders. Exception.
 4. Goods, &c., landed on a certain part of the Landing to be removed. Left over twelve hours, to be taken charge of by the Harbor Master.
 5. Time of leaving rafts in the water limited. Penalty.
 6. Goods, &c., to be permitted to remain, on payment of wharfage.
 7. Harbor Master to have custody of boats, &c., and a lien for charges.—Charges not paid within twenty-four hours, boats, &c., to be sold. How sold.
 8. Proceeds of such sale how disposed of.
 9. No person appearing to take charge of boats, &c., left at Public Landing. Harbor Master to take charge, lien created for fees and charges.
 10. Owner appearing, property to be restored on payment of charges; not appearing, property to be sold—and how sold. Special provision and exception.
 11. Proceeds of sale how disposed of.
 12. City entitled to a per cent. on such proceeds paid out.
 13. Rates of wharfage.
 14. Harbor Master to keep an account of money received, and report monthly to City Council, &c.
 15. Penalty for defacing or injuring Landing, or appurtenances.
 16. Suits to be brought for fines, &c., if necessary. Duty of Harbor Master in such cases.
 17. Ferry Boats excepted from the operation of this Ordinance on condition.
 18. Wharfage on other crafts. City Council to fix amount. Harbor Master to see that this Ordinance is enforced. May take and retain possession of boats. Penalties.

SECTION 1. *Be it Ordained by the City Council of the City of Quincy,* That the public landing of said city shall comprise all that ground lying south of the north line of Broadway, north of the south line of Maine street and west of Front street; also, all that ground lying west of the following line, to wit: commencing at a point eighty feet west of the north-east corner of the fraction of lot three, in block number sixteen of the original plat of the town (now city) of Quincy, running from thence, on a direct line, to a point eighty feet west of the south-east corner of lot five, in fractional block number forty-two, in Wood's addition to said city, and run-

ning from thence, on a direct line, to the south-west corner of lot seven, in block fifty four, in Wood and Holmes' addition to said city. Said public landing shall extend from the east line aforesaid, west into the Mississippi river, so far as the jurisdiction of said city extends, from the north to the south line of said landing.

§ 2. *Be it further ordained*, That all that portion of the public landing lying south of the north line of Hampshire street and north of the south line of Maine street, shall be specially appropriated to the landing and use of steamboats, and no other boat, craft or raft shall land or remain at said part of the public landing; and all persons landing or having charge of any such boat, raft or other craft at said portion of the public landing, shall immediately, on notice so to do by the harbor master, remove the same, and on failure so to do, shall forfeit and pay to the city ten dollars, to be collected by the harbor master; and the harbor master shall cause the same to be removed at the expense of the owner, or person in charge or possession thereof.

§ 3. *Be it further ordained*, That the harbor master, whenever it may be necessary, shall assign places for all Boats and rafts, giving the preference to steamboats, in the order of their arrival, and every person in charge thereof, shall cause the same to be removed to the places assigned; and every person, failing so to do, on being notified by the harbor master, shall forfeit and pay, for the use of said city, the sum of ten dollars: *Provided*, that no boat or raft shall be compelled to leave the place occupied by it, or assigned to the same, to give place to a steamboat, while such boat or raft is actually employed in discharging or receiving a cargo.

§ 4. *Be it further ordained*, That all goods, wares, merchandise, wood, lumber, or other things, which may be landed south of the north line of Hampshire street, and north of the south line of Maine street, shall be removed as soon as practicable, and if suffered to remain over twelve hours, the harbor master shall cause the same to be removed to some suitable place at the charge of the owner. All such as may be landed above or below said streets may remain so long as the said

harbor master may permit, not exceeding ten days; and if suffered to remain beyond that time, he shall cause the same to be removed to some suitable place at the charge of the owner.

§ 5. *Be it further ordained* That no raft shall remain in the water at any part of the Public Landing for a longer time than ten days, unless by special permission of the harbor master, a longer time is granted for the purpose only of having the same drawn out; and every person having charge thereof, who shall neglect to draw out said raft within said time so limited and specially granted, shall forfeit and pay, for the use of said city, the sum of fifteen dollars.

§ 6. *Be it further ordained*, That nothing herein contained shall be so construed as to prevent the harbor master from permitting any goods, wares, merchandise, lumber, or other things, to remain on the Landing a longer time than is herein before specified, *Provided*, the owner thereof shall pay to the said harbor master, for the use or the city, a certain amount of wharfage to be agreed upon between the owner and the harbor master.

§ 7. *Be it further ordained*, That all boats, rafts, and other property before mentioned, shall be retained in the custody of the harbor master, until all fines, forfeitures and charges, mentioned in the preceding sections, and all charges for wharfage, shall be paid by the owner or person having charge thereof; and if said fines, forfeitures, and charges are not paid within twenty-four hours, the harbor master shall sell every such boat, raft, or other property at public auction to the highest bidder for cash, first having given at least fourteen days previous notice of the time and place of said sale in such newspaper as may be selected by the City Council, for the time being, for publishing their proceedings.

§ 8. *Be it further ordained*, That the proceeds of every such sale, after deducting such fines, forfeitures, charges and expenses of sale, shall be paid by the harbor master into the city treasury; and such proceeds, after the deduction hereinafter mentioned, shall be paid to any person authorized to receive the same by the treasurer, on the presentment of an order from the mayor, countersigned by the city clerk;

Provided the same shall be claimed within twelve months after such sale.

§ 9. *Be it further ordained*, That if no master, owner, or agent, shall appear to take charge of any boat or raft which may be found lying at the public landing, or any other property landed therefrom, the harbor master shall take charge of the same, and take all necessary measures to secure the same, and all proper charges and expenses incurred by him shall create a lien thereon.

§ 10. *Be it further ordained*, That if the master, owner, or agent, shall appear within sixty days, and pay to the harbor master all fees, costs and charges, for which any such boat, raft, or other property, may be liable, the same shall be restored to such master, owner, or agent; but if no such master, owner or agent, appears within said sixty days, or appearing, shall fail to pay as aforesaid, the harbor master shall sell such boat, raft, or other property for cash, at public auction, to the highest bidder, first having given thirty days previous notice of the time and place of sale, by posting up the same in three public places in said city, and also by a publication thereof in the newspaper aforesaid: *Provided, however*, that if such boat, raft, or other property, shall, in the opinion of the harbor master be of less value than ten dollars, or of a perishable nature then the harbor master shall not be required to wait sixty days, but proceed to sell such boat, raft, or other property as herein directed, first having given thirty days notice by posting as aforesaid.

§ 11. *Be it further ordained*, That the harbor master, after deducting all fees, cost, and charges for which the boat, raft, or other property was liable, shall pay the proceeds into the city treasury, and the balance, after the deduction hereinafter mentioned, shall be refunded to any person authorized to receive the same, as in the cases of sale herein provided for.

§ 12. *Be it further ordained*, That out of the proceeds of all sales made under this ordinance, the city shall retain two per cent, to be deducted when the same is paid over to the person or persons entitled thereto.

§ 13. *Be it further ordained*, That the following rates of wharfage fees shall be levied by the city and collected by the harbor master, to wit:

1st. From the master of every steam boat which may regularly or temporarily ply between New Orleans and St. Louis, Quincy, Warsaw or Keokuk, five dollars for every landing.

2nd. From the master of every steam boat which may regularly or temporarily ply between St. Louis, Quincy, Warsaw or Keokuk three dollars for each trip.

3d. From the master of every steam boat which may regularly or temporarily ply between any points below and above the lower or Des Moines rapids for each landing one dollar.

4th. From the master of every other steam boat not mentioned in this section two dollars for each landing.

§ 14. *Be it further ordained*, That the harbor master shall enter in a book kept for the purpose, all moneys received by virtue of this ordinance, the names of persons or boats from whom the same is received, the specific amount received from each, and for what so received, and shall account to the city council, at their stated monthly meetings, for the same.—The amount accruing to the city shall immediately be paid into the treasury by the harbor master, and the treasurer's receipt filed with the city clerk.

§ 15. *Be it further ordained*, That if any person shall deface, or in any way injure any post, ring, or other appurtenance to the public landing, or do any act tending in any wise to the injury of the public landing, he shall forfeit and pay, for the use of said city, the sum of five dollars for every such offence, and pay all the expenses of repairing or replacing the thing injured.

§ 16. *Be it further ordained*, That whenever the harbor master shall, by any means, be unable to collect any fines, forfeiture, penalty, cost, charge or expense accruing under this ordinance, on demand from the boat, raft, or other property herein specified, he shall notify the mayor thereof, and cause a suit to be instituted forthwith against any person liable therefor; and nothing herein contained shall prevent the

harbor master from giving testimony in any such action, whenever the same may be necessary.

§ 17. *Be it further ordained*, That every ferry boat plying between said city and the opposite side of the Mississippi river, by virtue of a license from the city council, shall be exempt from the payment of the usual rates of wharfage; *Provided*, that every such boat shall occupy but one place of landing.

§ 18. *Be it further ordained*, That there shall be levied and collected from the master, owner, or person in charge of all boats, other than steamboats, crafts and rafts, such wharfage fees as the city council shall from time to time order.—The city harbor master shall see that the provisions of this ordinance are fully enforced, and may take possession and retain any boat, raft or craft for any fees, fines or penalties due the city from the same, or master, or persons having charge of the same, accrued under this ordinance. And for any violation of the provisions hereof, the person committing such violation shall forfeit and pay to the city of Quincy five dollars, where not otherwise provided by this ordinance.

NO. XXI.

An Ordinance relating to the Establishment and Maintenance of Ferries.

- Sec. 1. No Ferry to be established and maintained without a license from the City Council—penalty.
2. Application for license, how made—duty of City Clerk, when license is granted—license may be revoked—payment for license to be made to the City Clerk, who shall report the same and pay to Treasurer.
3. Persons licensed, to keep good Steam Boats—ferries regulated—penalty for breach of this section.
4. Rates of ferriage.
5. List of rates to be posted up on the Boat.—penalty for receiving higher rate.
9. Persons aggrieved, to make complaint to Mayor.

SECTION 1. *Be it ordained by the City Council of the City of Quincy*, That no person shall hereafter establish and maintain

a ferry across the Mississippi river to and from any point within the limits of said city, or keep and use any boat or other craft for the purpose of conveying any person or property as aforesaid for hire, without having first obtained a license from the city council therefor; and every person who shall establish and maintain a ferry, or keep and use any boat or other craft as aforesaid, shall forfeit and pay, for the use of said city, for every such offence, a sum not less than five dollars, nor more than one hundred dollars.

§ 2. *Be it further ordained*, That any person wishing to establish and maintain a ferry as aforesaid, shall make a written application to the city council for license so to do; and the city council, if deemed expedient, shall grant a license to the applicant on such terms as they may think proper, and the city clerk, on the payment of the terms so prescribed, shall make out and deliver to said applicant a license as aforesaid, to be in force for the term of one year from the date thereof, subject, however, to be revoked by the city council, whenever the applicant or any person managing said ferry shall violate any of the provisions, or neglect to perform any of the requirements of this ordinance, which condition shall be inserted in said license. Every person, on such license being granted, shall pay to the city clerk the sum required by the city council to be paid therefor, and one dollar as fees to the clerk; and the city clerk shall pay over to the treasurer all such sums, exclusive of his fees, and make report to the city council at the next meeting after the receipt of the same.

§ 3. *Be it further ordained*, That every person obtaining a license as aforesaid, shall forthwith provide and keep in good repair, good and sufficient steamboats for the ready and safe conveyance of persons and property across the Mississippi river as aforesaid, and give due and regular attendance at such ferry from sunrise until dark, with a sufficient number of hands to work and manage such boats, and shall, without unnecessary delay, carry as aforesaid, on application, at any hour between sunrise and dark, all persons and property as aforesaid, when said river is passable; and shall, when said river is passable, on application at any hour of the night or

day, without unnecessary delay, convey across said river the United States mail, or other public express, free of charge; and every person licensed as above, who shall fail to comply with either of the requisitions of this section, shall forfeit and pay, for the use of said city, for every such offence, a sum not less than five dollars, nor more than fifty dollars.

§ 4. *Be it further ordained*, That every licensed ferry keeper may demand and receive such fees as the city council may establish and permit from time to time, and that all wagons or teams containing or conveying produce from Missouri; also, cattle and stock for the Quincy market; shall be charged for crossing and return only one-half the rates or amounts demanded in other cases for the same kinds of wagons, teams, stock and transportation.

§ 5. *Be it further ordained*, That it shall be the duty of every licensed keeper of a ferry to cause a list of the foregoing rates to be posted and constantly kept up in some conspicuous place on his boat; and any keeper, or person in his employment, who shall demand and receive any higher or greater rate for conveying as aforesaid, shall forfeit and pay, for the use of said city, for every such offence, a sum not less than five dollars, nor more than ten dollars.

§ 6. *Be it further ordained*, That any person aggrieved by any breach of this ordinance, or any provision herein contained, may make complaint thereof to the mayor, who shall cause suit to be instituted forthwith for the recovery of any penalty thereunto annexed.

NO. XXII.

An Ordinance regulating the Measurement of Wood.

- SEC. 1. Fire Wood to be measured and certificate given on request—contents of each cord.
2. Penalty for using false certificate.
 3. Rates of fees for measuring, and how paid.

SECTION. 1 *Be it ordained by the City Council of the City*

of Quincy, That all firewood purchased, to be used within said city, by the cord, half cord or quarter cord, shall be measured by the wood measurer, and certificate thereof given, if required by the vendor or purchaser, provided the same be first piled or corded up in bulk in such order as will admit of a measurement with reasonable accuracy; and every cord so measured shall contain one hundred and twenty eight feet cubic measure, when closely and compactly piled together.

§ 2. *Be it further ordained*, That any person who shall, for the purpose of cheating, wronging, or defrauding another, exhibit or use a certificate of the wood measurer, by making or attempting to make the same applicable to any greater or less quantity of wood, or any other than the full load, lot or parcel for which the same was originally given, shall forfeit and pay, for the use of said city, the sum of five dollars for every such offence.

§ 3. *Be it further ordained*, That there shall be allowed for services under this ordinance, the following rate of fees, one moiety of which is to be paid by the vendor, and the other moiety by the purchaser, to wit: for measuring one cord or less, twelve and a half cents; for each additional cord, when the quantity does not exceed four cords, eight cents; when it exceeds four cords and not exceeding twelve cords, six cents for each additional cord; when more than twelve cords, and not exceeding twenty cords, five cents for each additional cord; when it exceeds twenty-five cords, four cents for each additional cord after the first cord. In addition to these rates, for each load, lot or parcel of wood measured at a greater distance than one square or block from the public square, and from the wood measurer's office or residence, and not exceeding one fourth of a mile from said public square, office or residence, twelve and a half cents; a further sum, also, of twelve and a half cents in all cases, where the wood measurer is required to go more than one fourth of a mile from said public square, office or residence.

NO. XXIII.

An Ordinance relating to the Inspection and Measurement of Lumber and other building materials, and the Measurement of Mechanical Work.

- SEC. 1. All Lumber and other Building Materials to be measured on request, and certificate given.
2. Mechanical work to be measured on request, and certificate given.
 3. Penalty for using false certificate.
 4. Rate of fees for services under this ordinance.

SECTION 1. *Be it ordained by the City Council of the City of Quincy*, That all lumber or other building materials sold or purchased to be used in said city, shall be properly inspected and measured by the person selected by the city council for that purpose, if either party should require it, and certificate thereof given, which inspection and measurement shall be according to the judgment of the person so selected.

§ 2. *Be it further ordained*, That all mechanical work, done and performed within said city, shall be measured by the person selected as aforesaid, if either party concerned should require it, and certificate thereof given, which measurement shall be in accordance with the most approved mode of measuring.

§ 3. *Be it further ordained*, That any person, who shall, for the purpose of cheating, wronging or defrauding another, exhibit or use a certificate of the measurer of the foregoing materials and mechanical work, of said city, by making the same applicable to any greater or less quantity of lumber or other building materials or mechanical work, or any other than the materials or work for which the same were originally given, shall forfeit and pay, for the use of said city, the sum of five dollars for every such offence.

§ 4. *Be it further ordained*, That there shall be allowed for services under the provisions of this ordinance, the following fees, one half of which is to be paid by each of the contracting parties, to wit: for the inspection and measurement of lumber twenty-five cents per thousand feet; for the inspection and measurement of other building materials, fifty cents for one

hour or less, including the time occupied in going to the place where the same are deposited, and twenty-five cents for each succeeding hour.

NO. XXIV.

An Ordinance relating to the size of Bricks.

SECTION 1. *Be it Ordained by the City Council of the City of Quincy*, That all merchantable bricks hereafter made to be sold within the city, in the ordinary course of manufacture and sale, and to be used therein, shall be eight and a half inches long, four and a fourth inches wide, and two and a fourth inches thick when moulded; and every person who shall manufacture or shall sell as aforesaid, any bricks of less dimensions than aforesaid, shall forfeit and pay to the city, for each offence, not less than one, nor more than one hundred dollars.

NO. XXV.

An Ordinance regulating the Storage of Gunpowder.

- SEC. 1. Limitation of quantity of Gunpowder to be kept in stores, &c.
2. Such quantity how kept.
3. Penalty for violation of first and second sections.
4. Mayor in certain cases may issue a search warrant.

SECTION 1. *Be it Ordained by the City Council of the City of Quincy*, That no store or shop-keeper, or other person, shall keep at the same time in any house, shop, store, cellar or warehouse, or in any boat, within the limits of said city, more than thirty pounds of gunpowder.

§ 2. *Be it further ordained*, That the aforesaid quantity of powder, allowed to be kept within the limits of said city, shall be kept in close tin four-pound canisters, and in a good and safe place.

§ 3. *Be it further ordained*, That every person offending

against either of the foregoing provisions, shall forfeit and pay the sum of twenty five dollars, for the use of said city.

§ 4. *Be it further ordained*, That it shall be lawful for the mayor, whenever he shall be informed, upon oath that there is probable cause to suspect any person of concealing or keeping within said city, any quantity of gunpowder over and above thirty pounds as aforesaid, to issue a search warrant to examine into the truth of such allegation or suspicion, and search any place whatever therein.

NO. XXVI.

An Ordinance relating to the Poor.

SEC. 1. Who entitled to aid.

2. Certain relatives required to support poor relations--order of liability--penalty for neglect to support, when able.
3. Provisions for minors, chargeable to the city.
4. Proceedings in cases of non-resident Poor.
5. " to be had by Overseer, on application from persons not entitled to aid by reason of non-residence.
6. Overseer to take charge of Poor on notice, &c.
7. Poor persons, when to be discharged--their liability to refund expenses defrayed by the city.

SECTION 1. *Be it ordained by the City Council of the City of Quincy*, That every poor person, who shall have resided within the limits of said city twelve months, and who shall be unable to earn a livelihood in consequence of any bodily infirmity, idiocy, lunacy, or other unavoidable cause, shall be entitled to receive from said city such food, clothing, fuel, medical and other aid in sickness, as the overseer of the poor may deem necessary, in case of the neglect or refusal of the father, grand-father, mother, grand-mother, children, grand-children, brothers or sisters of such poor persons, to make the necessary provision for them.

§ 2. *Be it further ordained*, That all relatives of such poor persons, if they or either of them shall be of sufficient ability to support them, are hereby required to make the necessary provision for them, and shall be notified by the overseer of the

poor in the order following, to wit: The children shall first be notified to support their parents, if there be children of sufficient ability; if there be none of sufficient ability, then the parents; if there be no such parents, then the brothers and sisters; if there be no such brothers or sisters, then the grandchildren; if there be no such grandchildren, then the grand parents shall be notified: *Provided*, that married females, whilst their husbands live, shall not be liable to a suit under this ordinance; and any relative of such poor person, who shall neglect or refuse to render such aid after being notified as aforesaid, and being of sufficient ability so to do shall be liable to said city for all necessary expenses incurred by said city for the support of such poor persons: *Provided*, that when any persons become paupers from intemperance, or other bad conduct, they shall not be entitled to any support from any relation except parent or child.

§ 3. *Be it further ordained*, That when any minor shall become, or likely to become chargeable to said city, either because of being an orphan, or because the parents or other relatives are unable or refuse to support such minor, it shall be the duty of the overseer of the poor, under the direction of the city council on his representation, to bind such minor as an apprentice to some respectable house holder of the city or county by written indenture, which shall bind such minor to serve as an apprentice, and shall in all respects be to the tenor and effect as required by the laws of this state concerning apprentices.

§ 4. *Be it further ordained*, That when any non-resident or other person not coming within the definition of a pauper, who shall fall sick or die in said city, not having money or property to pay his board, nursing and medical aid, it shall be the duty of the overseer of the poor, upon application of any inhabitant of said city, to give or order to be given such assistance to such poor person as he may deem just and necessary; and if said sick person shall die, then said overseer of the poor shall give, or order to be given to such person a decent burial; and all bills of expenses occurring under this section, shall be by him presented to the city council for approval.

§ 5. *Be it further ordained*, That whenever any application is made to the overseer for relief, and it shall appear to him that the person requiring relief has not resided in said city for twelve months prior to such application, he shall, under the direction of the city council, proceed to remove from said city such poor person, at the expense of said city, to the county or state where such poor person may have had his or her last place of residence; or said overseer of the poor may notify such poor persons to leave said city forthwith: and no person so notified shall be entitled to relief from said city.

§. 6. *Be it further ordained*, That the overseer of the poor, on application for relief of any poor person, shall immediately cause such person, if entitled to relief under the provisions of this ordinance, to be removed to such place as may be provided by the city council for the use of such poor persons, unless he may deem such removal inexpedient, in which case such poor person shall be supported by the city in such place as the said overseer may direct.

§ 7. *Be it further ordained*, That all persons receiving aid from said city shall receive no further aid after such person, in the opinion of the attending physician, or the overseer of the poor, become able to support themselves, and should such persons thereafter become able to pay any expense incurred by said city in extending relief to them, they shall be liable to refund the amount of such expense to said city.

NO. XXVII.

An Ordinance providing for the subscription to the Capital Stock of the Northern Cross Railroad Company, and for other purposes.

SEC. 1. Mayor authorized to subscribe.

2. To issue bonds. How issued. Bonds payable to company. Rate of interest, and when payable.

3. Shall be delivered to company in payment of stock.

4. Tax to be levied. Interest paid.

5. Tax to be kept separate.

6. Tax pledged to payment of interest. Sale of stock and dividends to go to liquidation of bonds.

7. Bonds may be exchanged for stock.

8. Mayor to cast vote of city at company elections.

Whereas, by the provisions of an act entitled an act supplemental to an act entitled "an Act to provide for a General System of Railroad Incorporations," approved November 6th, A. D. 1849, notice was given on the 27th day of January, A. D. 1851, at the usual places of voting in the city of Quincy, to ascertain the wishes of a majority of the people in reference to the subscription by the common council of said city to the capital stock of that portion of the Northern Cross Railroad lying between the Illinois and Mississippi rivers, to the amount of one hundred thousand dollars, to be paid in bonds of said city; having twenty years to run, and bearing an annual tax of six per cent., payable semi-annually:

And whereas, said election was held agreeably to said notice, and the act aforesaid, and the returns thereof in due form made to the city council, who canvassed the same at their regular meeting held on the 3d day of March, A. D. 1851—when it appeared that there had been cast, "For Subscription," one thousand and seventy-four votes, "Against Subscription," nineteen votes. The number of votes given for subscription being nearly equal to the entire vote polled at the last general election in said city, and a much larger vote than that required by the act aforesaid to authorize said subscription of one hundred thousand dollars.

Now, therefore, *Be it ordained by the City Council of the City of Quincy, as follows:*

SECTION 1. That the mayor is hereby empowered, authorized and directed to subscribe, in the sum of one hundred thousand dollars, to the capital stock of the Northern Cross Railroad Company, having the management of that portion of the said Northern Cross Railroad extending from the Mississippi to the Illinois river, on behalf and in the name of said city; by which said act of its chief executive officer, the faith of said city shall be irrevocably pledged to said company in the sum of one hundred thousand dollars.

§ 2. That whenever a regular assessment shall be levied, and made payable upon the stockholders of the said Northern Cross Railroad Company, the mayor and city clerk for the time being, shall execute the bonds of said city, for the sum of one thousand dollars each, for the amount so assessed upon the stock so subscribed by said city, signed by the mayor and countersigned by the city clerk, with the corporate seal of said city affixed—all of which said bonds shall be dated on the first day of July, or on the first day of January, in the year in which they shall be issued, and shall be made due and payable twenty years from the date thereof.

The said bonds shall be made payable to the "President, Directors and Company" of the Northern Cross Railroad Company," principal and interest at the Phenix bank in the city of New York—and shall bear interest at the rate of six per cent. per annum, payable semi-annually, and for which coupons bearing same date as the bonds aforesaid, signed by the mayor, shall be attached; said bonds shall in other respects be in the usual form, and shall be entitled "Northern Cross Railroad Bonds," upon the backs of which this ordinance authorizing their issue shall be printed.

§ 3. That the said bonds, when executed as provided in the preceding section, shall be delivered to the directors of the Northern Cross Railroad Company, in payment of the subscription by said city to the capital stock of said company, as the city council may from time direct.

§ 4. *Be it further ordained,* That an annual tax shall be levied by said council on the assessed value of all the real estate within the limits of said city, and all the personal property

of the inhabitants thereof, sufficient to pay the interest for one year on all said bonds so issued and delivered to the directors of said company, after deducting such dividends on said stock as may from time to time be made to said city by said company, said dividends, so far as the same may extend, to be applied to the payment of said interest. And when said council shall have made such levy, it shall be the duty of the city council to extend the same on the collector's books for the year in which said levy shall be made, and in a separate column, to be denominated "railroad tax," which tax shall be collected in the same manner as the other taxes of said city; and the payment thereof to be enforced by the same regulations and provisions of statute and ordinance as obtain in reference to all other taxes of said city.

§ 5. That it shall be the duty of the treasurer of said city to keep all monies arising from the collection of said railroad tax, separate and apart from the ordinary funds of said city, to be paid out by him, on the order of the mayor, countersigned by the city clerk, to the satisfaction and payment of the interest semi-annually accruing and due on said bonds, and for no other purpose or purposes whatsoever.

§ 6. That the railroad stock of which said city shall become seized and possessed by the subscription herein before provided for, and all dividends arising therefrom, are hereby pledged and set apart to the payment of the principal and interest of the bonds of said city, issued for and in payment of said subscription; and whenever any of said railroad stock shall be sold by said city, the proceeds of every such sale shall be applied forthwith to the redemption of said bonds, so far as the same may extend thereunto, and for no other purpose whatsoever.

§ 7. That any owner or holder of any or all said city bonds may at any time deposit the same with said city, and receive in exchange therefor an equal amount of railroad stock; *Provided*, the application for such exchange shall be made before said city shall have sold or otherwise disposed of said railroad stock, so applied for.

§ 8. *Be it further ordained*, That at all elections of di-

rectors for said Northern Cross Railroad Company, or other elections in which the stockholders of said company, by the rules and regulations thereof, are authorized or entitled to vote, such vote or votes as said city of Quincy may be entitled to cast, by virtue of her said subscription of one hundred thousand dollars, shall be thrown on behalf of said city by the mayor for the time being, or such other person or persons as the city council of said city may designate for such purpose, or by such proxy or proxies as may by him or them so designated by said council, be appointed in accordance with the by-laws of said company; said stock of said city to be represented by her delegated authority in the same manner and to the same extent, subject also to the same restrictions as stock owned and represented by individuals in said company.

NO. XXVIII.

FIRST DIVISION.

An ordinance establishing and regulating the Police Department.

- SEC. 1. Department established.
2. Watchmen. Their appointment, salary and term.
 3. Marshal chief of Police.
 2. City Calaboose and Marshal to have charge of.
 5. Police may arrest without warrant.
 6. Police may call citizens to their aid. Penalty for refusal to aid.
 7. Persons arrested failing to give bail, to be committed.
 8. Persons arrested may give bail. Form of bond. Amount of bail.

Be it ordained by the City Council of the City of Quincy, as follows :

SECTION 1. There shall be and hereby is established a police department, to consist of the city marshal, and such watchmen as may be appointed, by the city council, from time to time.

§ 2. The watchmen shall hold their appointment for the time specified in the order making their appointment; and shall

receive such salary as shall be designated therein. Provided no watchman shall hold his office for a longer time under one appointment than twelve months, nor shall they, in any case, hold over after the annual city election, and annual election of officers by the new council: Provided, however, they may be re-elected.

§ 3. The marshal shall be *ex-officio* chief of the city police, and all the watchman shall be in subordination to the city marshal, except in cases otherwise provided by ordinance.

§ 4. There shall be designated, from time to time by the city council, a calaboose or city prison, within the limits of said city, for the punishment of such offenders by imprisonment therein, as shall fail or refuse to pay the fines and forfeitures which may be recovered against them; or shall refuse or fail to give bail when arrested to answer for any violation of any ordinance of the city. The marshal shall *ex-officio*—have charge of, and be the keeper of the calaboose.

§ 5. Every member of the police department is hereby authorized, and it is made their duty to arrest without a warrant, all persons found in the act of committing any violation of law or ordinance, or found aiding and abetting in any such violation.

§ 6. The mayor, marshal, and every member of the police department, are hereby severally authorized to call upon any inhabitant of the city, to assist in quelling any riotous or disorderly conduct, or to aid in arresting or safe keeping any person accused of crime or breach of the law or ordinance; and any inhabitant so called on, who shall neglect or refuse to give such aid and assistance to the best of his ability, shall be subject to a fine of not less than five, nor more than fifty dollars, to be sued for and recovered as in cases of other breaches of city ordinances.

§ 7. When any member of the police department shall arrest any person or persons for any criminal offence, or any offence known or designated by any ordinance of the city, and when such person or persons so arrested, shall refuse, neglect or fail to give bail, for his, her or their appearance to answer at the first meeting of the mayor's court thereafter; and if the

said court be not at the time of the said arrest, in session or open, it shall be the duty of said party so making the arrest, to commit the person or persons so arrested to the calaboose, until the meeting of the court.

§ 8. Any person arrested without warrant for any offence under any ordinance, shall have the right to release himself or herself, from custody, by giving bail or recognizance for his appearance at the opening of the next mayor's court thereafter, and for his remaining to answer said offence; which said recognizance shall be in form and substance substantially as follows, to wit:

State of Illinois, } Sect. Know all men by these presents,
City of Quincy } that we A. B. C. and E. F. are severally and jointly held and bound unto "the city of Quincy," in the penal sum of——dollars, for the payment, whereof we hereby jointly and severally bind ourselves, our heirs, executors or administrators, signed and sealed this day of——
A. D. 185 .

The condition of this recognizance is such, that whereas the above bounden A. B., has this day been arrested by M—— N—— marshal for the city of Quincy, (or O—— P——, watchman of the city of Quincy, as the case may be,) charged with a violation of an ordinance of said city, (here insert the title thereof,) in this, to wit: (here describe the particular breach in the language of the ordinance,) on the day of A. D. 185 . Now if the said A—— B—— shall personally be and appear before the mayor's court, within and for the city of Quincy on the first regular meeting thereof next to be holden, and shall remain and abide the order of the court and not depart without leave, then this recognizance shall be void, otherwise to remain in full force and virtue.

Acknowledged before me, }
M—— N—— Marshal, } [L. s.]
or O—— P—— Watchman. }

To which recognizance thus executed and acknowledged, the person making the arrest shall add a statement of the form and effect following, to wit:

24. Mayor may issue attachments and punish contempts.
25. Depositions may be taken.
26. Jury may be demanded.
27. Executions to be issued; form of same.
28. Defendant committed for want of property, and time of imprisonment.
29. Who may make affidavit of complaint.
30. Sessions of Court and continuances.
31. Absence of Mayor to continue cases. Number of continuances.
32. Appeals may be taken.
33. Penalties to be paid into Treasury. Account of same kept.
34. Costs and fees of Mayor's Court. Costs to be collected off defendant convicted. Costs to be paid by city, but not to exceed penalties collected. How penalties ascertained and applied to costs.
35. Mayor's costs when acting as Justice of the Peace. His costs in Mayor's Court.
36. Clerk's costs.
37. Marshal's costs. Marshal to pay over to Clerk.
38. Witnesses' costs. To be paid by city. Defendant to pay, and, if required, city to pay.
39. Jurors' costs. Party demanding jury to advance fee. In case of acquittal, returned to defendant and city to pay.
40. Mayor and Marshal to be governed by State laws, where no provision by Ordinance.
41. Prosecutor to pay costs, if prosecution malicious.

SECTION 1. *Be it Ordained by the City Council of the City of Quincy*, There shall be and is hereby organized, a mayor's court for the city of Quincy. The mayor shall preside therein, and shall exercise all the powers and jurisdiction conferred by the city charter and the ordinance of the city.

§ 2. The city clerk shall be *ex officio* clerk of the mayor's court, and shall have the care and custody of all the books, records and dockets of said court; he shall file and preserve all papers pertaining to any suit or proceeding therein, and shall keep a book or books in which shall be entered the names, judgments, fines, executions, and costs, and all proceedings of the court; he shall keep an execution book, with a debit and credit side, charging the marshal with each execution or fee bill, noting the amount of the fine, mayor's fees, clerk's fees, and all other fees, in separate columns on the debtor side; and upon the return by the marshal of any execution or fee bill, to credit him therewith upon the credit side of said book. And it shall be his duty to furnish the city council, quarterly, a full statement of fines and fees col-

lected. He shall perform, generally, all the duties pertaining to the office of a clerk of a court of record, so far as the same are applicable to the mayor's court.

§ 3. There shall be charged upon every conviction had before the mayor, a fee of fifty cents, to be called the clerk's fee, which shall be, when collected, paid to the said clerk; and the said clerk shall receive, out of the money collected for fines and forfeitures in said court, other fees as hereinafter provided.

§ 4. Penalties for violations of any ordinance shall be recoverable by suit, in the nature of an action of debt, before the mayor; and suits shall be commenced, (except in cases otherwise provided for by ordinance or the city charter,) by the filing with the clerk a statement, signed by the city attorney, the mayor, the marshal, the clerk, any police officer, or any responsible citizen in Quincy; which statement shall be, in form, substantially as follows:

A. B. to the city of Quincy, Dr. To dollars for breach of ordinance, (here insert the title thereof,) passed the day , A. D. 185 , in this to wit (here describe the particular breach in the language of the ordinance,) between the day of , A. D. 185 , and the day of A. D. 185.

(Signed,)

C. D.

§ 5. No suit shall be dismissed for any defects of form in the statement, if it substantially sets forth the nature of the violation alleged. The statement may include several persons charged with the same violation.

§ 6. Upon the statement being filed with the clerk, or when made out by him upon the information of any officer or citizen, he shall fill up, seal, and attest, and the mayor shall sign a summons in the following form, as nearly as circumstances will admit:

State of Illinois,

} ss.

City of Quincy, and county of Adams, } The people of the State of Illinois to the marshal of the city of Quincy, or any constable of Adams county, GREETING:

You are hereby commanded to summon A. B. to appear be-

fore me, the undersigned "mayor and justice of the peace of the city of Quincy," at the _____ on the _____ day of _____, A. D. 185 , at _____ o'clock, _____ M., to answer the complaint of the city of Quincy, in a plea of debt for a failure to pay to said city, a fine, forfeiture, or penalty of _____ dollars, for a breach of an ordinance of said city, (here insert the title) passed the day of _____, A. D. 185 , in this, to wit: [here describe the particular breach in the ordinance as set forth in the written statement,] and thereof make due return as the law directs. Given under my hand and seal of said city of Quincy, the _____ day of _____ A. D, 185 . S. H. Mayor.

[L. s.]

Attest, P. C., clerk.

Which summons may be returnable on any day, [Sundays excepted,] within fifteen days, and not within five days, from its date ; and the same must be served at least three days before the day set for trial.

§ 7. That every summons for breach of any ordinance, issued by the mayor, shall be served by reading the same in the hearing of the defendant or defendants, if he or they will remain to hear it read ; but if he or they refuse to hear such summons read, or absent him or themselves after said summons has been produced to be read, and the contents or object thereof mentioned to him or them, such offer on the part of the officer in such cases, shall be deemed and taken to be a sufficient service of such summons, which facts shall be specially stated by the officer in his return on said summons.

§ 8. That when any defendant shall absent or conceal himself, or shall be absent, or a non-resident in said city, the summons aforesaid against such person, may be served by leaving a copy thereof at his residence or usual place of abode, with any white person of the family in which he resides, over the age of fifteen years, at least three days before the day set for trial in such summons ; but if such person have no house, family, or known place of abode in said city, whereat service of a copy can be made as aforesaid, it shall be lawful for the officer charged with the summons, to stick up a copy of such sum-

mons on the front of the court house in said city, which shall be deemed and taken to be a sufficient service of any summons within the meaning of this ordinance.

§ 9. *Be it further ordained*, That if any credible person, as agent of said city, shall make oath that there is danger that the debt or claim of said city will be lost, unless the said defendant be held to bail, and shall also state, under oath, the cause of such danger, so as to satisfy the mayor that there is reason to apprehend such loss, and shall file the written charge or statement required by the fourth section of this ordinance, it shall be the duty of the mayor to issue a capias to apprehend such offender, which shall be, as nearly as circumstances will admit, in the following form, to wit :

State of Illinois, { ss.

Adams county. { The people of the State of Illinois, to the marshal of the city of Quincy, or any constable of Adams county, greeting :

You are hereby commanded to take the body of A. B., and bring him forthwith before me, the undersigned mayor and justice of the peace of said city, unless special bail be entered ; and if such bail be entered, you will then command him to appear before me, at on day of A. D. 185 , at o'clock , to answer the complaint of the city of Quincy, in a plea of debt, for a failure to pay to said city a fine forfeiture or penalty of dollars, for a breach of an ordinance of said city, entitled [here insert the title thereof,] passed the day of A. D. 185 , in this, to wit : [here describe the particular breach in the language of the ordinance, and as set forth in the written charge or statement,] and make due return as the law directs. Given under my hand, and the seal of the said city of Quincy, this day of A. D. 185 .

[SEAL.]

C. D. Mayor,

and Justice of the Peace of said city.

And in all cases the defendant shall have the right to release his body arrested by virtue of such process, by giving special bail to the officer executing the same, which shall be endorsed on the back of the capias, in the following form, as nearly as

the case will admit, to wit: I, E. F., acknowledge myself special bail for the within named A. B. Witness my hand this day of A. D. 185 , E. F., which endorsement shall be signed by one or more sureties, to be approved by the officer executing the writ, and the liabilities which shall attach to such security or bail in such case, shall be as follows, to wit: If the defendant shall not personally appear before the mayor's court as required, on the day set for trial, and if he shall fail to pay whatever judgment may be obtained against him, or shall not surrender his body in execution, when charged, within thirty days from the judgment, then, and in such case, the bail shall pay the judgment and costs.

§ 10. In all cases where a party is arrested without a writ, and who gives a recognizance as is provided in section eight, of "An ordinance establishing and regulating the police department," and in all such cases as are provided for in the preceding section, where the recognizance or bail is forfeited; it shall be the duty of the mayor to note on the papers the forfeiture, and to issue a summons against the party or parties liable in behalf of the city of Quincy, and upon trial, to give judgment against the defendant or defendants so liable, according to the provisions of this ordinance; but allowing the same defence that is allowed for the non-appearance of the principal that is allowed under the general laws of the State, in like proceedings before justices of the peace. The summons to be issued in such case, to be made out by the clerk, sealed and attested by him, and signed by the mayor, and in form to be as nearly as possible like the summons in the preceding section six herein; but said summons shall be considered good if it substantially sets forth the nature of the cause of action.

§ 11. That the officer who shall execute any writ or other process issued by the mayor, 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 mayor 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 like proceedings before other justices of the peace.

§ 12. That in all prosecutions in behalf of the said city, any officer thereof is hereby made a competent witness, notwithstanding such officer may be entitled to a portion of the fine, forfeiture or penalty sued for, or to a fee from the same.

§ 13. That whenever any execution, in which said city is plaintiff, shall be returned by the officer charged with the service of the same, "No property found," the mayor may, upon oath being made, as in similar cases before the justices of the peace, by any officer of said city, or by any citizen, issue a garnishee process under the provisions of the laws of this State, and every such officer, for such purpose, shall be deemed and taken to be the agent of said city.

§ 14. That parents, guardians, masters and mistresses, shall be bound for the payment of any fine, forfeiture or penalty assessed against any minor under their respective care or charge under the provisions of any ordinance of said city, and execution shall issue thereon as in other cases. Provided, it shall be the duty of the marshal to notify any such parent, guardian, master or mistress of such minor, if they are known, of the time and place of trial for any violation of ordinance, and in case such parent, guardian or master is not known, or resident of the city, the marshal or other officer, shall, in his return or statement, make known such fact.

§ 15. No summons or warrant shall issue against a person who shall have been lawfully arrested and brought before the mayor without a warrant; or in case where the party has been arrested without warrant and shall have given bail; but in such case, a trial shall be had upon a written report to be made by the officer making the arrest. The mayor shall in all such cases, where the party is present, note the fact of his appearance, and proceed to hear and determine the case in the same manner as if a summons or warrant had been issued; and in all cases where the officer making the arrest, fails to file the report, if the defendant consent, the cause may proceed without it; but if he or she demands said report, the mayor shall allow a reasonable time for its being made out or filed.

§ 16. Officers shall attend as witnesses against persons who they have arrested, without being summoned, nor shall the mayor issue any subpoena for them; but if they fail to ap-

pear at the time for trial, they may be attached and punished for contempt as witnesses summoned.

§ 17. A person arrested and held in custody, shall be entitled to a trial within twenty-four hours from the time of the arrest, [except when Sunday shall intervene,] unless the trial be postponed by the mayor for good cause, or from unavoidable circumstances.

§ 18. A person in custody without a warrant for a violation of ordinance, where the cause is continued at his or her instance, or where it is continued from some unavoidable circumstance, may release him or her from custody by giving bail, by executing a bond to the city with sufficient security, to be approved by the mayor, or clerk in double the amount of the penalty provided by the ordinance for the violation alledged. Provided, however, said bond shall in no case be taken for more than one hundred dollars; which bond shall be conditioned, that he or she will appear upon a day therein named, before the mayor's court, to answer for the violation of which he is accused, and there to wait his or her trial of the charges against him. Which bond, if forfeited, shall be sued upon in the same manner as is provided in section ten of this ordinance.

§ 19. A person in custody, who cannot be tried because of the absence of witnesses, or other cause, and who cannot give bail for his or her appearance, shall remain in the keeping of the calaboose keeper until a trial can be had. In such case, the mayor shall deliver to the marshal a commitment, stating therein the cause of detention. But no continuance under this section shall exceed three days, unless at the instance of the defendant.

§ 20. At the opening of the mayor's court, the city marshal shall bring before the court for trial, all persons in custody for any violation of ordinances.

§ 21. It shall be the duty of the clerk to produce, each day, at the opening of court, a docket for the day, beginning with the first case reported to him, and following in like order. The persons in custody, if ready, shall be tried first; suits against persons not in custody, shall be called up in the order

in which they are docketed. When a suit shall be called up for trial, and a jury is demanded, the suit shall immediately be put at the foot of the docket for the day, and the mayor shall immediately proceed with the next case.

§ 22. Motions for dismissal on account of informality, or illegality in the papers or proceedings, and all pleas, all applications for continuances, must be made in writing and filed and argued when the suit is called up for trial, and at no other time.

§ 23. When a defendant, duly summoned, fails to appear at the time the suit is set for trial, the mayor shall hear and examine the testimony offered on the part of the city, and shall render judgment by default against the defendant for such amount, under the ordinance, as he may deem justice to require.

§ 24. The mayor may issue attachments to compel the attendance of witnesses and jurors who shall have been summoned, and he may also punish for contempt, in like manner, as justices of the peace are authorized to do by the laws of the state.

§ 25. Depositions taken in conformity to the laws of the state, may be read before the mayor, on any trial, where the witness, by reason of sickness, old age or bodily infirmity, is unable to and cannot safely attend at the trial; or where both parties agree in any case to the reading thereof.

§ 26. In all cases before the mayor for any violation of ordinances of the city, the defendant may demand a jury trial. The jury shall consist of such number, and possess the same qualifications as is required by the general laws of the state in justices courts; and all jury trials shall be conducted as nearly as possible, in the same manner as jury trials before justices of the peace.

§ 27. Upon the rendition of a judgment against a defendant for any violation of any ordinances before the mayor, he shall immediately issue an execution in the following form, as near as may be :

State of Illinois,
City of Quincy and county of Adams, } ss. The People of the
State of Illinois, to the marshal of the city of Quincy, greeting

Whereas, the city of Quincy has this day obtained judgment before the undersigned, mayor and justice of the peace of the city of Quincy, against C. D., for a violation of ordinance of said city, for the sum of dollars with her costs in this behalf, these are therefore to command you to levy said debt and costs of the goods and chattles of the said C. D., within the city of Quincy, and expose the same to sale agreeably to law; and for want of sufficient property wherewith to levy the said debt and costs, you are commanded to take the body of the said C. D. into your custody, and convey him to the calaboose of the city of Quincy, and him there safely keep until he pay said debt and costs, or serve the same out in said jail, in the time and manner specified in the 98th section of chapter LIX, concerning justices of the peace and constables, revised statutes of Illinois, 1845, page 329. And you are also hereby commanded to make return of this execution within seventy days from the date thereof, with your return thereon, stating how you have executed the same. Given under my hand and the seal of said city of Quincy, this day of A. D. 185

[L. S.]

Mayer.

Attest, Clerk.

§ 28. If sufficient property of the defendant be not found to satisfy the execution, the marshal shall commit the defendant without delay to the calaboose, and there retain him for forty-eight hours, unless before that time the debt is paid. And if the debt exceed ten dollars, then said defendant shall remain in said jail or calaboose twenty-four hours for every five dollars over and above the said ten dollars, and so on in proportion to the amount of said debt or fine.

§ 29. When an affidavit, on the part of the city, shall be required in any case in the mayor's court, it may be made by any city officer, or by any person to whom the facts are known.

§ 30. There shall be a regular session of the mayor's court every day, [Sundays and Fourth of July excepted,] to be opened at 10 o'clock, A. M., and to continue open for two hours; and in all cases, the session shall be continued until 1 o'clock, P. M., if parties are in custody and desire a trial. All cases not disposed of within the hours of court, shall stand con-

tinued until the next day, and so on from day to day until disposed of. *Provided*, the mayor may, with the consent of parties, continue the session of his court such time as may be necessary to finish all or any particular business before him. And in all jury trials, the mayor shall, if it is deemed desirable by him, keep his court open until said jury trials shall be finished.

§ 31. Whenever the mayor, by reason of sickness, unavoidable absence from the city, or any other unavoidable cause, shall not attend at the opening of said court, the clerk shall continue each and every cause upon the docket, from day to day, until a trial can be had before the mayor. *Provided*, not more than four continuances shall be allowed in each case, unless by consent of the parties.

§ 32. Appeals shall be allowed from all decisions in the mayor's court arising under the city charter or any ordinance of the city, as well on the part of the city, as to any defendant or plaintiff, to the circuit court of Adams county; and any such appeal shall be taken and granted in the same manner and with like effect as appeals are taken from and granted by justices of the peace to the circuit court under the laws of the State.

Appeals on the part of the city, may be taken by any city officer or citizen, upon the execution, by such officer or citizen, of a bond to pay all costs in said appeal, in like manner as is provided in section 101, page 330, revised statutes 1845, chapter LIX. In cases where an appeal is advised by the city council, the bond shall be executed by the mayor and clerk in their official character in the name of the city of Quincy, and said bond, thus executed, shall be binding on said city.

The praying an appeal by any defendant in any suit by said city, for a violation of any city ordinance, shall in no case, suspend the issuing of execution, unless and until a good and sufficient appeal bond is executed and filed.

§ 33. That all fines, forfeitures and penalties for breaches of any ordinance of said city, shall, as soon as collected, be paid to the treasurer; and the officer paying over the same, shall take the treasurer's duplicate receipts therefor, one of which receipts shall be returned by the officer with the papers or ex-

ecution in the case to the clerk. The clerk shall keep an account in a book kept for that purpose, in which he shall set down the amounts thus paid to the treasurer. And the treasurer shall also keep a separate account of all monies received by him for all such fines, forfeitures, penalties or breaches of ordinance.

§ 31. The mayor's clerk's marshal's witness and juror's fees shall be taxed in all cases where the service has been performed. But no city officer or watchman shall be allowed to charge for his attendance as a witness. In all cases where there is a conviction of the defendant, all costs shall follow and be collected from the said defendant. But in cases where the defendant is acquitted, or in cases where he serves out the fine or judgment in the calaboose, the city shall pay to the officers the costs. *Provided*, that in no case shall the amount of costs paid by the city in any one year, exceed the whole amount collected for fines, forfeitures, penalties and breaches of ordinances. And it is hereby made the special duty of the city council to see that vouchers or orders on the treasury for costs, shall be kept within the amount so collected from said fines, forfeitures and penalties. And to this end, vouchers for costs shall be issued at intervals of three months, and the amount thus issued, shall never exceed the amount on hand from such fines and forfeitures, as herein specified. Whenever the amount of costs claimed, and which may appear due to the officers, shall exceed the amount on hand from said fines, penalties, judgments and forfeitures, the same shall be allowed by the city council, in proportion to the several claims and the amount to be divided. The clerk shall, at each quarterly issue of vouchers or orders for costs, furnish to the city council a list of the same, which shall include witness and juror's fees; leaving blank columns in said list in which to mark the word paid, when vouchers or orders are issued for the whole, and a column for stating the amount paid when only a portion is so allowed. Said list shall be dated and signed by the mayor and clerk, and may be used as evidence of claims for costs before the city council for two quarters only; and if the same is not paid in full at the end of two quarters, by reason of there be-

ing funds on hand so collected from fines, forfeitures, penalties or judgments for violation of ordinance, the said officers shall have no further claim upon the city for said costs.

§ 35. The mayor when acting as a justice of the peace under the general laws of the State, shall charge the same fees as other justices are allowed for similar services.

When presiding in the mayor's court, his fees shall be as follows, to wit:

For every warrant, summons, subpoena, or fee bill.....	183
For each continuance,.....	124
Administering each oath,.....	64
Dedimus to take depositions,.....	25
Entering judgment,.....	25
Issuing execution,.....	25
Entering appeal from mayor's judgment,.....	25
Transcript of judgment proceedings on appeal,.....	25
Taking and approving appeal bond,.....	50
Docketing each suit,.....	124
For each jury warrant,.....	25
Taking recognizance,.....	50
Entering verdict of jury,.....	124
§ 36. Clerk's fee in every conviction,.....	50
The clerk shall fill up, seal and attest all writs, summons, subpoenas and warrants, and for so doing, shall be entitled to, each,.....	124
He shall, in all cases, when the judgment or fine is not paid instanter, issue a fee bill, to be signed by the mayor, and sealed and attested by himself, and for which he shall receive.....	25
For making record in each trial,.....	25
For making quarterly statement to the city council, for the purpose of recovering officers costs from city, he shall receive, for every necessary hundred words thereof.....	124
For making out a statement for the foundation of any action	124
For taking recognizance when by ordinance he is allowed to do so,.....	50
For entering continuance in the absence of the mayor....	124

§ 37. The marshal shall receive the same fees for serving, executing and returning process, and as keeper of the calaboose, that are allowed to the constables of the State under the general laws thereof, for similar duties; and the same as are received by jailors under the state law, for similar services. For taking recognizance and making out a statement where he arrests without a warrant,..... 50

But in all cases where the recognizance is taken by a watchman or alderman, there shall be no fees charged for the same. The marshal shall pay to the clerk all fees collected by him except his own fees.

§ 38. Witnesses duly summoned in any suit before the mayor's court, and attending the trial, shall be entitled to fifty cents for each days attendance; but they shall not charge for attendance in more than one suit on the same day. In all cases where a witness is summoned at the instance of the city, his fees shall be paid by the said city, but the city shall, in case defendant is convicted or judgment found against him, be entitled to recover the same from the said defendant.

In all cases where a witness or witnesses is or are subpoenaed at the instance of any defendant, the said defendant shall be bound to pay said witness or witnesses; but in case of acquittal or no conviction or judgment had against said defendant or defendants, he, she or they shall have judgment against the city for said witness fees. The same rule as to the number of witnesses which may be summoned to prove one fact, that obtains before justices of the peace, shall apply under this ordinance. All witness fees collected by the marshal, shall immediately be paid to the clerk, who shall pay the same to the party entitled to the same.

§ 39. Jurors summoned and serving in the mayor's court, shall receive in each case, each twenty-five cents. In no case shall a jury be summoned to try any case in the mayor's court for any violation of city ordinance, until the party demanding the jury shall have first paid and advanced to the clerk the jury fee; and in case the defendant is acquitted, the jury fee shall be immediately paid back to said defendant, and the city shall pay the fee to the said jurors. And it is hereby made the

duty of the said clerk, to advance or pay on the part of said city said jury fee; and a certificate of the fact, in which shall be stated the cause, shall entitle the clerk to an order or voucher for the amount.

§ 40. The mayor and city marshal, in all matters pertaining to the duties of their respective offices, concerning which there is no specific provision by ordinance, shall be governed by the laws of the state of Illinois regulating proceedings in justices courts, and the duties of justices of the peace and constables, so far as the same may be applicable. *Provided*, the jurisdiction of the mayor, for any breach or violation of ordinance, shall in no case extend to any amount over one hundred dollars. And, *provided further*, the mayor shall, in all process, be described as "mayor and justice of the peace of the city of Quincy."

§ 41. When a defendant is acquitted, the informer or prosecutor may be adjudged to pay the costs, if it appears to the mayor that the prosecution was instituted vexatiously, maliciously or without probable cause.

THIRD DIVISION.

An Ordinance concerning Offences affecting Public Peace and Quiet.

- SSE. 1. Unlawful assembly. Penalty for. Mayor may recognize persons to answer to indictment.
2. Unusual noises. Penalty for. Licensed persons permitting, to forfeit license.
3. Obscene language, quarrelling and disturbance of neighborhood. Penalty for.
4. Violating the Sabbath. Penalty for.
5. Disturbing religious and other meetings. Penalty for.
6. False alarm of fire. Penalty for.

Be it ordained by the City Council of the City of Quincy, as follows:

SECTION 1. Any three or more persons who shall in this city assemble together with an intent, or being assembled, shall

mutually agree to do an unlawful act, with force or violence, against the property of the city, or the person or property of another, or against the peace, or to the terror of others, and shall make any movement or preparation therefor; and every person present at said meeting or assembly, who shall not endeavor to prevent the commission or perpetration of said unlawful act, every such person so offending, shall forfeit and pay for the use of the said city, not less than three nor more than fifty dollars for each and every offence. *Provided*, however, that in all cases arising under this section, if, in the opinion of the mayor, the defendant or defendants shall be deemed guilty of a riot as defined by the laws of the state, the said mayor shall, instead of entering judgment for the fine, hold the said defendant or defendants to bail, or commit to answer an indictment in the circuit court of Adams county:

§ 2. That no person shall suffer hallooing, shouting, bawling, screaming, profane or obscene language, fighting, dancing, singing, whooping, or quarrelling, or any other unusual noises or sounds, in his or her house, in such manner as to disturb the neighborhood, or those passing through the streets; and every person so offending shall forfeit and pay, for the use of said city, not less than two dollars, nor more than five dollars for the first offence, and for every subsequent offence, not less than five dollars, nor more than ten dollars; and if the person so offending, be the keeper of a house licensed by said city, such person shall, upon a third conviction, incur a forfeiture of his license.

§ 3. That no person shall halloo, shout, bawl, scream, use profane or obscene language, dance, sing, whoop, quarrel, or make any unusual noise or sound, in any house or in any part of said city, in such a manner as to disturb the good people of the neighborhood, or those passing through the streets; and every person so offending shall forfeit and pay, for the use of said city, not less than two dollars, nor more than five dollars for the first offence, and for every subsequent offence, not less than five dollars, nor more than ten dollars.

§ 4. It shall not be lawful for any military company, or any procession, or any body of persons, to march or pass through

the streets of the city on Sunday, accompanied by the sound of music; or for any person on Sunday to play in said streets upon any musical instrument. Whoever shall violate this section, shall forfeit and pay, for the use of said city, not less than three nor more than twenty dollars. *Provided*, that this section shall not be construed to prohibit the use of music on said day in connection with funeral ceremonies.

§ 5. Whoever shall in this city, 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 or solemnity of the meeting; or whoever shall, in this city, disturb any lawful assemblage of people by rude and indecent behavior or otherwise, shall forfeit and pay, for the use of the city, not less than one nor more than twenty dollars for every such offence.

§ 6. It shall not be lawful for any one, in this city, to give or make a false alarm of fire; and every person so offending, shall forfeit and pay, for the use of the city, not less than three nor more than ten dollars, for every such offence.

FOURTH DIVISION.

An Ordinance concerning Offences against Public Morals and Decency.

- SEC. 1. Drunkenness. Penalty for.
2. Indecent exposures, exhibitions, pictures, &c. Penalty for.
 3. Public bathing. Penalty for.
 4. Gaming houses. Penalty for keeping.
 5. Permitting persons to come together for gaming. Penalty for.
 6. Amusements and business on the Sabbath. Penalty for.
 7. Gaming devices. Gaming. Penalty for. Devices for, may be destroyed.
 8. Bawdy houses. Penalty for keeping.

Be it ordained by the City Council of the city of Quincy, as follows:

SECTION 1. It shall not be lawful for any person to be found in this city in a state of intoxication, in any highway, thorough-

fare, or other public place; and every person so offending, shall forfeit and pay for the use of said city, not less than one nor more than three dollars for each and every offence.

§ 2. No person shall, in this city, appear in any public place in a state of nudity, or in a dress not belonging to his or her sex, or in any indecent or lewd dress, or shall make any indecent exposure of his or her person, or be guilty of any indecent or lewd act or behavior; 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 other representation, and every person so offending, shall forfeit and pay for the use of said city, not less than five, nor more than fifty dollars for each and every offence.

§ 3. No person shall be allowed to bathe, wash or swim in the Mississippi river, or in any other watercourse, pond or pool in this city, between sunrise and one hour after sunset, being naked or insufficiently clothed to prevent improper exposure of his person; and every person so offending, shall forfeit and pay for the use of said city, not less than one nor more than three dollars for each and every offence.

§ 4. That no person shall, by himself, herself, servant or other agent, or for his or her gain or profit, keep, have, exercise or maintain a common gaming house, table, room or place whatsoever, within the limits of said city; and every person so offending, shall forfeit and pay for the use of said city, the sum of fifty dollars for each and every offence.

§ 5. That no person, in any house or place occupied by him or her, within the limits of said city, shall procure or permit any persons to frequent or come together, at any time, to play for money or other valuable thing at any game; and every person so offending shall forfeit and pay for the use of said city, the sum of twenty-five dollars for each and every offence.

§ 6. No person in this city, shall play on Sunday at billiards, ten pins, or other game of amusement, or at any game of amusement in any highway or other public place; nor shall, on that day, sell or offer to sell any merchandize, or fermented or distilled liquors; nor shall keep his store, shop or other place of business open; and every person so offending, shall forfeit and

pay for the use of this city, not less than three nor more than ten dollars, for each and every offence.

§ 7. No person shall, within this city, set up or keep any kind of gambling device or thing, at which any game of chance shall be played for money or property, or anything representing money or property; nor shall at any such device or game of chance, bet, win or lose any money or property *in specie*, or by means of anything representing the same; nor shall suffer any such device, at which any game of chance is played, to be set up or used in any tenement in his possession or under his control; and every person so offending, shall forfeit and pay, for the use of the said city, not less than five nor more than fifty dollars for every such offence. And it shall be in the power of the mayor on receiving satisfactory information of any such device or thing being so set up and used, to issue his warrant to the city marshal, commanding him to destroy the same, which warrant shall be immediately executed.

§ 8. No person shall, in this city, keep a bawdy house, house of ill-fame, or of assignation, or permit any tenement in his possession, or under his control, to be used for any such purpose; and every person so offending, shall forfeit and pay for the use of said city, not less than fifty dollars nor more than one hundred dollars, for every such offence.

FIFTH DIVISION.

An Ordinance concerning Offences affecting Public Safety.

- Sec. 1. Firing guns, pistols, crackers, &c. Penalty for.
2. Kindling fires in streets, &c. Penalty for.
3. Immoderate riding, driving, &c. Brutal treatment of animals. Penalty for.
4. Mole of vehicles passing in streets.

Be it Ordained by the City Council of the City of Quincy, as follows;

SECTION 1. That no person shall, within the limits of said city, fire or discharge any cannon, musket, rifle, fowling piece or other fire arms, or air-gun, except in cases of necessity, or

in the performance of a public or lawful act of duty, or discharge or set off any cracker, rocket, torpedo, squib or other fire-works, within the limits of said city, without permission first obtained from the mayor or one of the aldermen, or marshal of said city; and every person so offending, shall forfeit and pay for the use of said city, not less than one dollar, nor more than three dollars for every such offence.

§ 2. That no person shall, in any of the streets, lanes, avenues or alleys of said city, or upon the public square therein, make or kindle any fire, without first having obtained permission as provided in the preceding section; and every person so offending shall forfeit and pay, for the use of said city, not less than one dollar, nor more than ten dollars for every such offence.

§ 3. No person shall, in this city, ride or drive any beast of burden, in any highway, thoroughfare or other public place, beyond a moderate gait, unless in a case of urgent necessity; nor shall ride or drive any such animal, as to cause such animal or any vehicle thereto attached to come in collision with, or strike any other object or any person; nor shall leave any such animal standing in any public place without being fastened, or so guarded as to prevent its running away; nor shall inhumanly, unnecessarily or cruelly treat, injure or otherwise abuse any such dumb animal; and every person so offending, shall forfeit and pay, for the use of said city, not less than three nor more than one hundred dollars for every such offence.

§ 4. In all cases of persons meeting each other in vehicles, in any highway or thoroughfare in this city, each person so meeting, shall turn off and go to the right side of the highway or thoroughfare, so as to enable such vehicles to pass each other without accident. Whoever shall violate this section, shall forfeit and pay for the use of said city, not less than one nor more than three dollars for every such offence. *Provided*, nothing herein shall prevent the party injured from maintaining his action at law against the wrong doer.

SIXTH DIVISION.

An Ordinance relating to Offences concerning City Property, Public Squares, the Streets and Private Property.

- SEC. 1. Injuring fences and trees, sidewalks, or any city property. Putting animals into public grounds. Penalty for.
2. Riding or driving on sidewalks. Fastening animals, &c. Penalty for.
3. Obstructions or pits in streets. Penalty for.
4. Eaves and conductors of houses. Penalty.
5. Leaving open cellar doors, vaults, &c. Penalty for.
6. Sidewalks to be kept open. Obstructions removed. Penalty for obstructing.
7. Obstructing streets with vehicles. Penalty for.

Be it ordained by the City Council of the City of Quincy, as follows :

SECTION 1. That no person shall walk or run on the capping of any fence or fences, around any or either of the public squares in this city, or in any wise deface or injure said fences, or cut, hack or injure any tree or trees standing in said squares, or growing in any street or sidewalk in said city; nor deface or injure any other property belonging to the city, or wilfully injure any property belonging to any fire company, or hook and ladder company, or any property pertaining to the fire department; nor shall wilfully injure any public well, cistern or pump; nor shall turn any cow, horse, or other domestic animal into said public squares or either of them; and every person so offending, shall forfeit and pay for the use of said city, not less than one nor more than one hundred dollars for every such offence.

§ 2. No person shall, in this city, lead, ride, drive, or place any beast of burden or vehicle, on any paved sidewalk or foot way, otherwise than in going into or out of premises owned or occupied by him, or his employers; or shall hitch or fasten any animal to a fire-plug, pump or hydrant, or to any fence, or ornamental or shade tree, lamp-post or awning post, not belonging to him or his employers; and every person so offending, shall forfeit and pay, for the use of said city, not less than one nor more than five dollars for each and every such offence.

§ 3. No city officer, contractor or other person in the city,

shall make any excavation in any highway or thoroughfare, without providing, during the night, a temporary fence or suitable obstruction around or in front of the same, to prevent persons, animals or vehicles from falling into the same; and every person thus offending, shall forfeit and pay for the use of said city, not less than five nor more than fifty dollars for each and every offence.

§ 4. Every person owning or occupying any building in this city, shall cause the pipes conducting the water from the eaves of the building, to be so constructed or altered, as not to spread the water over the sidewalks; and every person neglecting to comply with this section, shall, for every such offence, forfeit and pay for the use of said city, not less than one nor more than three dollars, for every week he or she so neglect to cause the said pipes to be so constructed or altered, as not to spread the water over said sidewalk.

§ 5. No person shall, in this city, leave open any cellar door, grating, or vault on any highway, thoroughfare or sidewalk, or suffer any such door or grating belonging to premises occupied by him, or any such place, to be in an insecure condition, whereby passers may be in danger of falling into a cellar or vault; and every person so offending, shall forfeit and pay for the use of said city, not less than one nor more than ten dollars, for each and every such offence.

§ 6. That all the sidewalks within the said city shall be kept open, and free from all obstructions, barriers and impediments of every description; and the city marshal shall cause every obstruction, barrier or impediment to be immediately removed, in case the same is not removed within a reasonable time, by the owner or holder of the lot fronting on such sidewalk, on being notified by the city marshal; and if such notice is not complied with, such owner or holder shall forfeit and pay, for the use of said city, two dollars for every such offence, as well as all expense incurred by the city marshal in removing, or causing the same to be removed: *Provided*, that the city marshal shall permit temporary obstructions to persons in receiving, selling or removing fuel, lumber, plank, boxes of merchandise, and other articles of trade, if such obstructions be re-

moved as soon as circumstances will admit, not to exceed twenty-fours; and *Provided further*, that this section shall not apply to the necessary steps and cellar doors of buildings fronting on said sidewalks.

§ 7. That all drays, carts, wagons, or carriages of any description, laden or unladen, unemployed or when making temporary stoppages in the streets, shall be placed by the driver thereof on either side of the street lengthways close to the curb stones, or in such a position that the centre of the street may be kept open and free for all carriages going to and fro; but no such carriages shall be placed in any street, or near the intersection of any street, lane, avenue or alley, in such manner as to cross the footway, or prevent a free passage in such footway, street, lane, avenue or alley; and every person neglecting to place said carriages as herein directed shall forfeit and pay, for the use of said city, a sum not less than one dollar, nor more than three dollars for every such offence.

SEVENTH DIVISION.

An Ordinance concerning Offences against Official Authority, and concerning the abuse of Official Authority and the Neglect of Official Duties.

- Sect. 1. Assuming official authority. Resisting officers, &c. Penalty for. Mayor may recognize persons resisting to answer to indictment.
2. Officers refusing to perform duties. Penalty for.
 3. Officers may be removed, and proceedings therein.
 4. Officers to surrender books, &c.

Be it ordained by the City Council of the City of Quincy, as follows:

SECTION 1. No person 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, or shall hinder, obstruct, resist or otherwise interfere with any city officer in the discharge of his official duties, or attempt to prevent any such officer from arresting any person, or attempt to rescue

from such officer any person in his custody; and every person so offending shall forfeit and pay, for the use of said city, not less than five nor more than one hundred dollars for each and every offence. *Provided*, however, that if, in the opinion of the mayor, after hearing the evidence, the defendant or defendants appear to be guilty of any indictable offence under the general laws of the state, it shall be the duty of the mayor in his capacity of justice of the peace, to hold said defendant to bail, or commit him or them to answer said indictment in the Adams county circuit court, and in such case, the mayor shall inflict no fine under this section.

§ 2. Every officer appointed by the city council, who shall fail or neglect to perform any duty assigned him by ordinance, shall, for every such offence, forfeit and pay for the use of said city, not less than five nor more than one hundred dollars, for every such offence.

§ 3. That any officer appointed by the city council, may be removed by a majority of said council, for incompetency, or any dereliction or violation of duty, on the complaint, in writing, of any inhabitant of said city, or whenever the said council shall think the interests of said city require said removal: *Provided*, however, that no officer shall be removed as aforesaid, until he shall have had notice of such intended removal and of the charge or charges preferred against him, served on him by the city clerk, and an opportunity to exculpate himself before said council.

§ 4. That each officer herein mentioned, on his resignation, removal, or expiration of his term of office, shall deliver to his successor, all books, papers, or other property pertaining to such office.

EIGHTH DIVISION.

An Ordinance concerning Penalties in the Mayor's Court.

SEC. 1. Penalties not provided for, what to be.

Be it ordained by the City Council of the City of Quincy, as follows:

SECTION 1. Whoever shall be convicted in the mayor's court

under any ordinance of the city, in case where no specific penalty is prescribed, shall forfeit and pay, for the use of said city, a sum not less than three nor more than one hundred dollars for any such offence.

NO. XXIX.

An Ordinance relating to the City Revenue from taxes.

- SEC. 1. Annual tax levied.
2. Rate of tax and for what purposes.
3. Assessment to be made. List to be made out. What to contain. Lots to be subdivided. Owners to list property, and in default Assessor to list and assess same.
4. Assessor may demand sworn list. Penalty for refusing to give same.
5. Assessor to take oath. When assessment to be made and returned. To be filed in City Clerk's office. How assessment corrected. Notice of filing to be given.
6. Assessment list to be examined and corrected by City Council. Amount of tax to be ascertained, and entered of record.
7. Certificate of Assessor to be added to list. Duties of Assessor. City Clerk to deliver copy of list to Marshal.
8. Marshal to give bond. Bond to be filed with Clerk. Marshal to collect taxes.
9. Marshal to call upon tax payers. May give notice of place and time of receiving taxes. Marshal's duties.
10. Marshal may seize personal property for tax. Marshal's duties.
11. Marshal to return tax list. To make out delinquent list, to certify and file same.
12. Marshal to be credited with delinquent list. City Clerk to collect. City Council may require settlements of Marshal and sue on official bond.
13. City Clerk to give bond and file same with treasurer.
14. Delinquent list to be advertised. How advertised. Clerk's duties. Printer to certify.
15. Taxes may be paid till sale. How sold and what portion.
16. Manner of sale. Duties of Marshal and Clerk.
17. Clerk to pay over money to Treasurer. To make settlement with City Council. Record of settlements to be made.
18. Redemptions. Clerk's duties.
19. Deeds to be executed. Clerk's duties. Effect of deed.
20. Notice to be given before deed executed.
21. Duplicate certificate may issue.
22. Sales in error, taxes refunded.
23. Duty of officers to list property omitted.
24. Fees of officers, and how paid.
25. Repealing clause.

SECTION 1. *Be it ordained by the City Council of the City of*

Quincy, That an annual tax, including the year 1851, be levied and collected in manner hereinafter provided, on all real estate within the limits of the city, and on all personal property, of whatever description, whether chattels, rights, or choses in action of the inhabitants thereof.

§ 2. The tax to be levied and collected as aforesaid, for the ordinary city purposes, shall be at the rate of fifty cents on the one hundred dollars of the assessed value thereof, excepting merchandize ; and for school purposes, there shall be added thereto, on all property aforesaid, including merchandize, twelve and a half cents on the one hundred dollars of the assessed value thereof, and also on the same, including merchandize, such further per centum on the assessed value thereof, for the purpose of paying the accruing interest on the bonds of the city, issued on account of city subscriptions to stock of the " Northern Cross Railroad Company," as the city council may, by order, direct, in pursuance of law.

§ 3. The city assessor shall in each year, make an assessment of the taxable property aforesaid, according to his best judgment of the value thereof, and shall make out a list of the same, showing the names of the owners when they can be ascertained, a description of the property, whether real, personal or rights, assessed to each, the amount of tax thereon, and the year or years for which the tax is levied. The description shall be in numerical order in case of real estate, so far as practicable, and in case the present owner of any real estate cannot be ascertained, the same shall be assessed in such numerical order, to the last known owner, but such last known owner shall not thereby become liable personally for the tax thereon. The assessor shall subdivide lots by correct descriptions, when the same are owned in parts by individuals, and when he can ascertain such ownership and descriptions with reasonable certainty, and shall assess to each his part only. Persons residing in the city shall deliver to the assessor a list of their property on or before the first day of March in each year. The assessor shall also, in cases where such list is not furnished or is not satisfactory, call upon each tax payer, when practicable, and request a list of his property subject to taxation by the city, and assess the same.

§ 4. If the officer cannot ascertain with reasonable certainty the taxable property of any person residing in the city, and such person shall neglect or refuse, on demand, to give the assessor a list and statement, in writing, thereof, or if such list and statement shall not be satisfactory to the assessor, the assessor shall request such person to make out and subscribe, in writing, a list of his real estate within the city, and also of his personal property and rights and choses in action, with his oath or affirmation appended thereto, taken before the mayor of the city, that such list and statement contains all his property aforesaid, and to deliver such sworn list to said assessor within three days thereafter. And such person failing to deliver to the assessor such sworn list, within three days after such request, and on demand made by the assessor therefor, shall forfeit and pay to the city of Quincy, fifty dollars, to be recovered before the mayor of the city or any justice of the peace, as other penalties are recovered by regulations of the city ordinances. And, in such case, the officer shall be governed in his assessment by the best information he can obtain. The mayor shall make no charge for administering the oath or affirmation to said person, and the same may be taken, if such person prefer, before any officer authorized to administer oaths.

§ 5. The city assessor, before entering upon the duties of his office, shall take and subscribe before the mayor of the city or some justice of the peace, an oath or affirmation, as near as may be, in the following form: I do solemnly swear that I will faithfully discharge the duties of assessor of the city of Quincy during my continuance in office, and that I will make true assessment of all taxable property within the city, and of the inhabitants thereof, when required by ordinance so to do, without fear or favor, and according to my best knowledge and information of the amount, kind and true value thereof.

The Assessor shall make the assessment herein before provided for, between the first day of March and the first day of May in each year, and shall on or before the last named day return a complete assessment list into the office of the city clerk, there to remain for public inspection for the period of fourteen days, during which time all persons feeling aggrieved may file with the city clerk their complaint, in writing, briefly

setting forth wherein they deem themselves aggrieved by said assessment, and describing the property of the assessment of which they complain. The assessor shall, upon said return being made, give notice in some public newspaper printed in the city, that the assessment list for that year is completed and deposited in the city clerk's office, and will there remain for the period of time aforesaid, for public inspection, and requesting all persons feeling aggrieved to file their complaint, aforesaid, before the expiration of said period, with the city clerk.

§ 6. So soon as practicable, after the expiration of the period mentioned in the last section for inspection of said assessment and filing complaints against the same, the city council shall meet, and the city clerk shall lay before the council said assessment list, together with all complaints aforesaid, touching the same; and the council, together with the assessor, if practicable, shall carefully examine all complaints filed, and shall make such alterations and amendments in said assessment list as shall be deemed just and equitable. They shall also cause any additions to be made to said list, of property found to be omitted, or which may not have come to the knowledge of the assessor, and if in any event, any real estate shall be omitted for any year or years, the same, when ascertained, shall be equitably assessed, and the back taxes thereon collected with the taxes of any current year. The council shall cause all errors in said list to be corrected, the total amount of taxable property therein to be correctly ascertained, and also the total amount of taxes therein, by careful examination thereof, and the same to be set down at the end of said list, and shall cause a record of the same amounts to be made. ✓

§ 7. The said assessment list, when examined and corrected as aforesaid, shall be certified to by the assessor, as near as may be in the following form:

I do certify that the foregoing assessment list for the city of Quincy, for the year , contains a true assessment of all the taxable property within said city for said year.

_____, City Assessor
And shall file the same with the city clerk, and shall take

from the city clerk a receipt for the same, showing the total amount of taxable property and the total amount of taxes therein, which receipt he shall file with the city treasurer.— The city clerk shall, within thirty days after the filing of said assessment list in his office, make out a fair copy of said list and deliver the same to the city marshal, with his certificate of authentication, under the corporate seal thereto appended. The city clerk shall take the marshal's receipt for said assessment list, showing the total amount of taxable property and the total amount of taxes therein, which receipt he shall file in his office.

§ 8. The marshal, before receiving said assessment list, shall give bond with security to the satisfaction of the city council, to the city of Quincy, in a penalty of double the amount of the whole taxes in said list, and conditioned for the faithful discharge of his duties in the collection of the city taxes, and for the payment of the amount thereof by him to be collected, into the city treasury, which bond shall be filed with the city clerk. The marshal shall, upon the receipt of said assessment list, forthwith proceed to the collection of the taxes therein specified.

§ 9. In the collection of taxes, the marshal shall personally call upon the inhabitants of the city respectively, or at their respective places of business or residence, and make demand of the taxes due from them respectively. He may also give notice, by handbills printed in English and German and posted up in the city, of a time and place, when and where he will attend with the tax list and receive taxes. Any person may pay taxes on such portion of any real estate as he may have claim to, provided he will furnish the marshal or collector with a plain and certain description thereof. Upon the payment of any tax to the marshal or collector, he shall first make an entry in his tax list of the name of the person paying, of the total amount paid; and if payment is made on property by different description, or in different parts or parcels from the description thereof made by the assessor and shown by said tax list, he shall enter a particular description thereof; after which he shall deliver to the person paying, a receipt, stating

the time of payment, by whom payment is made, a correct and plain description of the property paid on, the total amount paid, and the year or years for which the taxes are paid.

§ 10. The marshal may, after the expiration of thirty days from the time of the delivery of said tax list to him for collection, and before that time in case of probable loss to the city revenue, and after demand aforesaid, or endeavor to make demand of the taxes due the city on any property, real or personal, on said tax list, seize any personal property of the owner, or any person having listed, or consented to the listing, in his name, of such property, of sufficient value to satisfy the taxes and costs due thereon, and may from time to time make such further seizure as may be necessary for that purpose.— He shall cause any property so seized to be advertised for sale for ten days, by posting a notice thereof in front of the court house in the city, containing a description of the property and stating the time and place of sale thereof, and on the day of sale shall sell the same at public vendue, at the place named in said notice, to the highest bidder, and apply the proceeds to the satisfaction of the taxes and costs for which the same was seized, after deducting five per centum thereon for making such seizure and sale, and shall pay the overplus, if any, to the owner thereof, on demand. The said tax list shall be sufficient warrant for the marshal to make such seizure and sale.

§ 11. After having made due effort to collect the taxes due on said tax list, and on or before the first day of September in each year, the marshal shall return said tax list into the office of the city clerk, there to be filed and remain, and shall also at the same time, make out and return to the city clerk a delinquent list, truly taken from said tax list, and in the same form of said tax list, of the taxes remaining unpaid thereon, and for which he can find no personal property to satisfy the same and costs. The Marshal shall append to said delinquent list a certificate, as near as may be, in the following form :

I do certify, that the foregoing delinquent list contains a true copy from the tax list of the city of Quincy, for the year

18—, of the taxes remaining unpaid on said list, and for which I can find no personal property to satisfy the same.

_____, Marshal.

§ 12. Upon the return aforesaid, of said original and delinquent tax lists, the city council shall, so soon as practicable, examine the same, and shall allow and credit the marshal all delinquent taxes in said delinquent list contained, which they shall be satisfied could not have been collected by due diligence, and shall make final settlement with the marshal of the revenue aforesaid, collected by him. Upon the examination and settlement, aforesaid, the city clerk shall receive and file the said delinquent tax list, and shall execute to the marshal receipt therefore, showing the total amount of taxes remaining unpaid on said delinquent list, which receipt the marshal shall file with the city treasurer, and the city clerk shall from thence stand charged with the collection of said delinquent taxes. The city council may, from time to time, by order, direct the marshal to pay into the city treasury all taxes collected by him, or to make settlement therefore with the city council, and may, by order, in their discretion, allow to the marshal further time to make collection, return and settlement aforesaid. In case of default of the marshal in any matter material to the security or collection of the city revenue, under this ordinance the city council shall cause the marshal's bond aforesaid, to be put in suit for such default.

§ 13. The city clerk shall give bond with security, to the satisfaction of the city council, to the city of Quincy, in a penalty of double the amount of taxes remaining unpaid on the said delinquent tax list, and conditioned for the faithful discharge of his duties in the collection thereof, and for the payment of the moneys collected thereon, into the city treasury, which bond shall be filed with the city treasurer, and the city clerk shall thereupon be authorized to receive the taxes unpaid on said delinquent tax list.

§ 14. The city clerk shall, so soon as practicable after the filing of the delinquent tax list aforesaid in his office, advertise the real estate therein described for sale, to satisfy the taxes

and costs due thereon. Said advertisement shall contain a copy, as near as may be, of said delinquent tax list, with a notice thereto appended by the city clerk, in the following form, as near as may be :

All persons are notified that the foregoing is a list of lots and parts of lots, within the city of Quincy, upon which the taxes due to said city for the year therein set forth remain unpaid ; and that the said lots and parts of lots will be severally and separately sold at public vendue, at the court house in the city of Quincy, commencing on the day of , 18 , at the hour of 10 o'clock A. M. of said day, for the taxes and costs due on them respectively, to such person or persons as shall bid the amount of such taxes and costs for the least quantity of said lots and parts of lots respectively.

_____,
City clerk of the city of Quincy.

Said notice and advertisement shall be published in some newspaper printed in the city of Quincy, for three weeks preceding the day of sale ; and, when so published, a copy of the same shall be filed in the clerk's office of the city, with the certificate of the printer or publisher thereto appended, as near as may be in the following form :

I certify that the foregoing tax notice and advertisement was published in the , a newspaper printed and published in the city of Quincy, for days preceding the day of sale therein named.

_____,
Publisher of said newspaper.

§ 15. Any person may pay the taxes and costs remaining unpaid on any lot or part of lot on said delinquent list, to the city clerk, at any time after the return and filing thereof aforesaid in his office, and before the sale of the same ; and the clerk shall, upon such payment, make the same entry in said delinquent list, and deliver to the person paying the same, a receipt therefor as is herein before required in case of payment of taxes to the city marshal. In selling said lots, the city clerk, assisted by the marshal, shall offer the whole of each tract or lot for sale for the amount of taxes and costs due thereon ; and so much thereof as may be necessary, shall be

struck off to the lowest bidder—that is, to the person who shall offer to pay the amount due as aforesaid for the least quantity of ground. When a portion of a lot shall have been struck off on any such bid, it shall be taken off the east side of said lot, extending the whole length of said side, provided said lots have a northerly or southerly front; and from the north side, extending the whole length as aforesaid, should said lots have an easterly or westerly front.

§ 16. At the time of sale mentioned in the notice aforesaid, the city clerk, assisted by the city marshal, shall proceed and sell, at the place and in the manner named in the said notice, the several lots and parts of lots in said advertisement described, upon which the taxes and costs, or any portion thereof, shall remain unpaid, for the satisfaction of such taxes and costs; and if no bid shall be made for any lot or part of lot offered, the amount of taxes and costs thereon, the same shall be struck off to the city of Quincy for the taxes and costs unpaid thereon; and the city shall, to all intents and purposes, be the purchaser thereof. The city clerk shall receive all moneys at said sale, and shall execute to the several purchasers certificates of purchase, stating the name of the purchaser, the date of the purchase, the year or years for which the taxes accrued, the amount of taxes and costs on the tract purchased, and a plain description of the property purchased. The clerk shall keep a correct list of such sales, showing in each case the name of the owner, if known, the date of the sale, the year or years for which the taxes accrued, a plain description of the lot or part of lot sold, the name of the purchaser and the amount paid, and which shall be kept in the tax sale book of the city, as a public record.

§ 17. The city clerk shall pay over all moneys by him received and collected on said delinquent tax list, to the city treasurer, and take his receipt therefor, and, so soon as practicable after said sale, shall make final settlement on said delinquent tax list with the city council; and whenever final settlement is made, either with the city marshal or city clerk, by the city council, a record thereof shall be made.

§ 18. The same rights and privileges of redemption from

sales under this ordinance shall exist, as is provided by the eighty-ninth chapter of the revised statutes of Illinois, of 1845; and in cases of redemption from such sales, the redemption money shall be paid to the city clerk, and the city clerk shall thereupon execute to the person redeeming a certificate, stating the date of the sale, the year or years for the taxes of which the sale was made, the name of the person to whom sold, the amount for which the same was sold, a plain description of the property sold and redeemed, the name of the person redeeming, and the amount paid thereon, and shall make an entry opposite the property redeemed, in the sale book, of the date of the redemption, the name of the person redeeming and the amount paid thereon, which amount he shall pay to the purchaser or his assignee on demand and presentation of the certificate of purchase, and shall note in such certificate of purchase the redemption aforesaid; and the person receiving such redemption money shall receipt the same in said sale book, or other book kept for that purpose. The city clerk shall file in his office all written evidence of right to redeem, and in all things such redemption shall have the same force and effect as is provided in case of redemption from sales for state and county taxes, by the chapter of the revised statutes aforesaid, and certificates of purchase issued under this ordinance shall be assignable, as is provided by said chapter, and all such assignments shall have the same force and effect.

§ 19. After the expiration of two years from the day of sale of any lot or part of lot, under this ordinance, the purchaser thereof, his heirs or assigns, shall be entitled to a deed therefor, provided the same shall not have been previously redeemed, and provided such purchaser, his heirs or assigns, shall have complied with the provisions of the next section of this ordinance; and the city clerk shall, in such case, upon the surrender of the certificate of purchase thereof, execute to such purchaser, his heirs or assigns, a deed for such lot or part of lot. The deed to be executed as aforesaid, shall, for all purposes, vest in the grantee and his heirs a perfect title to the premises in such deed described; and all deeds exa-

cuted by the city clerk under this ordinance, shall, for all purposes and to all intents whatsoever, have the same operation, force and effect as is provided by the said eighty-ninth chapter of the revised statutes of Illinois, of 1845, in case of deeds executed by sheriffs or collectors, on sales made for taxes due for state and county purposes, under the state revenue laws aforesaid.

§ 20. The purchaser of any lot or part of lot under this ordinance, his heirs or assigns, shall, at least three months before the expiration of two years from the time of sale, cause to be served on every person in possession of such lot a written notice of such purchase; in which notice he shall state when such lot or part of lot was purchased, a description of such lot, and when the time of redemption will expire. In like manner he shall serve on the person or persons in whose name or names such lot or part of lot is taxed, a similar written notice, if such person or persons shall reside in the county of Adams; and in the event that the person or persons in whose name or names such lot or part of lot is taxed, do not reside in the county of Adams, he shall publish such notice in some newspaper printed in said county; which notice shall be inserted three times, the last time being not less than three months before the expiration of two years from the time of the sale of such lot or part of lot. The purchaser, his heirs or assigns, shall, before a deed is executed to him, by himself or agent make an affidavit of his having complied with this section, stating particularly the facts relied on as such compliance; which affidavit shall be delivered to the city clerk and by him filed in his office and entered on the records thereof, and preserved among the files of his office. In case any person shall be compelled, under this section, to publish a notice in a newspaper, then before any person who may have a right to redeem such lot or part of lot from such tax sale, shall be permitted to redeem, he shall pay to the city clerk the printer's fee for publishing such notice, and costs of being sworn to such affidavit and of filing the same as aforesaid.

§ 21. In case any purchaser, his heirs or assigns, shall have lost, or for any cause is unable to produce his certificate, afore-

said, the city clerk shall execute a duplicate certificate thereof, upon such person filing with him an affidavit of such loss or inability to produce the same, and that the same is his rightful property.

§ 22. If it shall appear to the city clerk that any taxes for which any lot or part of lot shall be sold, had been paid previously to the sale thereof for taxes, he shall present the case to the city council, at their next meeting, and if it shall appear to the city council that the same was so paid, an order shall be drawn on the city treasurer, in favor of the purchaser, his heirs or assigns, for the amount paid therefor, and such sale shall be cancelled. And, if it shall appear that any moneys have been paid on such lot or part of lot, either to the city marshal or city clerk, and have not been properly credited on the tax list and accounted for, the officer to whom the same was paid shall refund the amount thereof and costs to the city.

§ 23. It shall be the duty of the city marshal, and also of the city clerk, to keep a list of all real estate within the city, which in the collection of the city taxes they and each of them may discover to be omitted in the assessment list, and the same list to file in the city clerk's office for the use of the assessor of the next year's revenue.

§ 24. There shall be allowed for collecting the city revenue from taxes, the following fees:

To the city assessor for making annual assessments, one hundred and fifty dollars.

To the printer for publishing the delinquent tax list notice, on each lot and part of lot, 12½ cents.

To the city marshal, on all moneys collected by him on the tax list and paid over, three per centum.

For making and returning to the city clerk the delinquent tax list, on each lot or part of lot, 12½ cents.

For assisting at the tax sale on each lot or part of lot, 12½ cents.

To the city clerk for advertising and copying the delinquent tax list, on each lot or part of lot 12½ cents.

For making sale, on each lot or part of lot, and entering the same in the sale book, 25 cents.

For each redemption certificate, 25 cents.

For filing and recording affidavit of purchaser at tax sale, preliminary to obtaining deed, 25 cents.

For duplicate certificate of purchase, in case of loss, 25 cents.

For each deed on tax sale, 50 cents.

The last four items shall be paid by the person demanding the services, and all other expenses arising out of the city revenue from taxes, shall be laid before the city council by the person interested, to be acted upon by them, and allowed or disallowed, as shall to them appear equitable.

There shall also be allowed to the city clerk, on amount collected by him on delinquent list each year, before the sale each year, five per centum.

§ 25. All ordinances coming within the purview of this ordinance, and in any manner repugnant thereto, are hereby repealed. But all rights and liabilities, accrued under any ordinance hereby repealed, are hereby saved and declared valid and binding and may be enforced.

NO. XXX.

An Ordinance to provide for the Inspection of Flour in the City.

- SEC. 1. Penalty for selling without inspection.
2. Penalty for manufacturing without inspection.
3. Penalty in case manufactured for general market.
4. Regulations of manufacture and sale.
5. Regulations and penalty.
6. Regulations of inspection.
7. Forfeiture of flour.
8. Fees of Inspector. Penalty.
9. Appropriation of penalties.
10. Appointment of Inspector of Flour, and oath of office.
11. Inspector may appoint deputies.

SECTION 1. *Be it ordained by the City Council of the City of Quincy, That no owner, miller, manufacturer or agent shall sell, or offer for sale, within the limits of the city, any flour in barrels or half barrels, intended to be used in the city of Quin-*

city or county of Adams, without having the same first inspected, under the penalty of fifty cents for each barrel or half barrel so sold or offered for sale.

§ 2. *Be it further ordained,* That no miller or manufacturer of flour within the city, shall deliver or offer to deliver any flour in barrels or half barrels, which may have been manufactured for another person, without having the same first inspected, unless the person for whom it may be manufactured, by himself, agent or assignee, expressly waives his right to have the same inspected, under the penalty of fifty cents for each barrel or half barrel so delivered, or offered to be delivered.

§ 3. *Be it further ordained,* That no owner or manufacturer of flour within the city, shall be allowed to sell any flour in barrels or half barrels, intended to be shipped or transported beyond the limits of Adams county, without having the same first inspected, unless the purchaser expressly waives his right to have it inspected, under the penalty of fifty cents for each barrel or half barrel so sold.

§ 4. *Be it further ordained,* That, all flour required to be inspected by any of the foregoing sections of this ordinance, shall be packed in barrels or half barrels, well made, of good seasoned materials, and laced with ten round or eight flat hoops, with four nails in each chime hoop, and three in each b'ge hoop, and of the following dimensions, to wit: the staves of all whole barrels to be twenty-seven inches long, the diameter of the head to be seventeen inches; the staves of all half barrels twenty-two inches long, and the diameter of the head thirteen inches; and all barrels or half barrels shall be truly tared on the same head with the mill brand, and every manufacturer shall have a distinguishing brand mark of strong impression, and such as cannot be easily erased, with which he shall brand or mark each barrel or half barrel of flour, before the same shall be removed from the place where it was manufactured, with the name of the mill at full length, or the initials of the owner or renter's christian name, with the surname at full length.

§ 5. *Be it further ordained,* That each barrel or half barrel

of flour offered for inspection, shall be legibly and durably marked on the head of the barrel or half barrel, either S. fine, fine, or middling, and a barrel shall contain one hundred and ninety-six pounds of flour, and a half barrel shall contain ninety-eight pounds, and if any flour sold or offered for sale within the limits of the city, packed in barrels or half barrels, shall be found to fall short of the weight provided for in this ordinance, the person selling or offering to sell the same, on conviction thereof, shall be fined not less than one dollar nor more than seven dollars for each and every barrel or half barrel so sold or offered to be sold.

§ 6. *Be it further ordained*, That it shall be the duty of the inspector of flour, at all reasonable hours, and in any part of the city, to inspect all barrels and half barrels of flour offered for that purpose, and in order to do which he shall provide himself with a barrel auger, not to exceed seven-eighths of an inch in diameter in the barrel, with which each barrel and half barrel shall be bored into, so as to satisfy himself of the quality of the flour: *Provided, however*, he shall not insert such auger more than twice in each barrel or half barrel. The same inspector shall also provide himself with a suitable brand as inspector, with which he shall brand the initials of his christian name and his surname in full on the head of each barrel and half barrel found in good order, as of such quality as it purports to be; but it shall not be his duty to inspect any flour in barrels or in half barrels, which he suspects to be too light, or the barrel incorrectly tared, without first having them weighed in his presence and found correct.

§ 7. *Be it further ordained*, That if any flour offered for inspection shall be found to contain a mixture of corn meal, or any other mixture, the same shall be forfeited, and retained in the possession of the inspector, for the use of the city.

§ 8. *Be it further ordained*, That the inspector of flour shall be entitled to receive as his fees, three cents for each barrel or half barrel by him inspected, branded and plugged; and the same inspector shall not be entitled to ask or receive more than the rate aforesaid, under the penalty of fifty dollars for each and every offence.

§ 9. *Be it further ordained*, That all the fines and penalties imposed under any of the provisions of this ordinance, shall be appropriated, one half to the informer and the other half to the city of Quincy.

§ 10. *Be it further ordained*, That an inspector of flour shall be appointed by the city council in the manner provided by ordinance for the appointment of other city officers, which inspector, before entering upon the duties of his office, shall take and subscribe to an oath or affirmation before the mayor of the city, faithfully and impartially to perform the duties of said office to the best of his judgment and ability.

§ 11. *Be it further ordained*, That the inspector of flour may appoint one or more deputies to perform the duties of flour inspector, during the temporary sickness or absence of the inspector of flour, said inspector to be responsible for all the acts of his deputy or deputies as such, and said deputies, when so appointed, shall take the same oath of office that is required of inspectors of flour.

NO. XXXI.

An Ordinance to provide for the Inspection of Weights and Measures.

- SEC. 1. Inspector to take oath of office.
2. Inspector to procure standards.
 To procure seals and stamps.
 To examine weights and measures.
 To stamp or seal same.
 To give certificates of inspection.
 To correct weights and measures.
 To keep register of inspection.
 To report to Mayor, and prosecute for violation of this ordinance.
 To report to City Council.
 To test standards.
3. Fees of Inspector.
4. All weights and measures to be inspected. Penalty.
5. Penalty against Inspector.
6. Duty to have inspected each year.

SECTION 1. *Be it Ordained by the City Council of the City*

of Quincy, That the inspector of weights and measures, before entering on the discharge of the duties of his office, shall take and subscribe to an oath before the mayor that he will, to the best of his ability, faithfully and impartially discharge the duties of said office.

§ 2. *Be it further ordained*, That it shall be the duty of the inspector of weights and measures—1st. To procure, at the expense of the city, standard weights and measures in conformity with the existing laws of the United States and this State, and shall from time to time cause the accuracy of said standards to be tested. He shall also procure suitable seals or stamps, to be kept and used by him in sealing or stamping such weights or measures as he may find correct.—2d. To examine and test the accuracy of all weights and measures, instrument or thing used for weighing or measuring within the city, either for retail or wholesale. 3d. To stamp with a suitable stamp or seal, all weights, measures or instruments which he may find correct, or which he may make or cause to be made correct. 4th. To deliver to the person or persons whose weights, measures or instruments have been stamped or sealed, a certificate stating the fact that such instruments are correct, and have been stamped or sealed, and the date thereof. 5th. To make or cause to be made correct, in conformity with the standard, all weights, measures, instruments, &c., used for weighing or measuring, upon the party owning or using the same, paying for the necessary labor or materials used thereon. 6th. To keep a register of the names of all persons whose weights and measures have been examined and tested, the kind of weights, measures, &c., the capacity thereof, and the date when stamped or sealed; also, a register of the names of all persons who shall fail or refuse to have corrected and stamped weights or measures used by them in buying or selling. 7th. To report to the mayor all persons violating this ordinance, with the names of witnesses, so far as is known to him, and to prosecute such persons therefor.—8th. To report to the city council once in every six months, the names of persons whose weights, measures, &c., have been stamped and sealed, with the number and kind of said weights,

measures, &c. 9th. To keep and preserve free from injury or alteration, and from the use of any person but himself, the standard weights and measures, seals, stamps, &c., belonging to his office. 10th. To examine and test, free of charge, once every six months, or more frequently, if required by the mayor, market master, or other person having charge thereof, any scales, weights, measures, seals, stamps, &c., belonging to his office.

§ 3. *Be it further ordained*, That the inspector of weights and measures be entitled to receive the following fees:

1st. For every steelyard or beam, ground floor, platform, or counter scales, weighing two hundred pounds and under, with the weights thereof which he shall test, stamp and certify correct, twenty-five cents. For scale and beam of any description, weighing over two hundred pounds, and not exceeding six hundred pounds, fifty cents. For any scale or beam weighing over six hundred pounds, and not exceeding twelve hundred pounds, seventy-five cents; and for all scales or beams weighing over twelve hundred pounds, one dollar each.

2d. For any yardstick, dry or liquor measure, or instrument used for weighing or measuring, which he shall test, stamp and certify, fifteen cents; and for each nest or set of measures, twenty five cents.

§ 4. *Be it further ordained*. That it shall be the duty of every person using weights, measures or other instruments in the sale or purchase of any article or commodity within the limits of the city, to have such weights, measures or other instruments, tested, stamped or sealed, and the accuracy thereof certified to by the inspector of weights and measures, as herein provided; and any person refusing or failing to do so, on conviction thereof, shall forfeit and pay for the use of the city, a sum not less than one dollar nor more than ten dollars, and if the said person have a license from the city, the city council may declare the same forfeited and annulled.

§ 5. *Be it further ordained*, That, if the inspector of weights and measures shall be guilty of any partiality or neglect of duty, or shall fail or refuse to perform any of the duties by this ordinance required, he shall forfeit and pay to the

city of Quincy, for every such offence, a sum not less than five dollars nor more than fifty dollars, and may, moreover, be removed from office by the city council.

§ 6. *Be it further ordained*, That all persons using weights, measures, or other instruments for weighing or measuring any article or commodity whatever, within the limits of the city, shall cause such weights, measures, or other instruments to be examined, tested and stamped or sealed, and the accuracy thereof certified by the inspector of weights and measures, as herein provided, on or before the first Monday of June of each and every successive year.

NO. XXXII.

An Ordinance for the preservation of the Health of the City.

SEC. I. Regulations relating to small pox, &c. Marshal's duties.

2. City Council to make regulations by order, &c.

3. Penalty for violation.

SECTION 1. *Be it ordained by the City Council of the City Quincy*, That hereafter, no person shall be brought into this city then having the small pox or other infectious or contagious disease, in an infectious condition and stage; that when any case of the small pox, or other disease, aforesaid, shall occur within the limits of said city, the head of the family or person having the charge of, or having personal knowledge of the same, shall, at once, report the same to the city marshal; without delay the said city marshal shall provide for the removal, custody and charge of any such person, having such disease, to a suitable place, where danger of contagion therefrom will be prevented to the inhabitants of said city.

§ 2. *Be it further ordained*, That the city council may at any time order all persons landing or stopping within said city, to be subjected to inspection and quarantine; and to prevent the landing of boats at said city, and to make such regulations by order or resolution, for the purposes aforesaid, as the exigencies of the case may demand.

§ 3. *Be it further ordained*, That any person who shall violate this ordinance, or any of the regulations which may be adopted in pursuance of the same, shall forfeit and pay to said city, one hundred dollars for each offence, to be collected in the mode prescribed by those ordinances of said city which relate to the recovery of fines and forfeitures.

NO. XXXIII.

An Ordinance providing for the payment of the Debts of the City, and for other purposes.

SEC. 1. Bonds to be issued.

2. Regulations.

3. Wharfage appropriated to payment of interest.

4. Same to be kept to pay interest.

5. When bonds to be delivered.

Whereas, by the third and fourth sections of the fifth article of the charter of the city of Quincy, approved and in force February 3d, A. D. 1849, the city council is empowered to borrow money and provide for the payment of the debt and expenses of the city; and whereas there is now due of the debts of said city the sum of fifteen thousand and five hundred dollars, and also, for the grading of Vermont street, now under contract, one thousand five hundred dollars additional; and whereas it is necessary for said city to dispose of city bonds, and obtain money to cancel that portion of said debt now due, and also to make an appropriation to pay for the grading of said Vermont street, and to provide for the special payment of the interest on the bonds so disposed of, to obtain said money;

Now, therefore, *Be it Ordained by the City Council of the City of Quincy*, as follows:

SECTION 1. That city bonds to the amount of twenty thousand dollars be put in market and disposed of on the best terms for cash, for the payment of the debt aforesaid, and the grading of Vermont street aforesaid.

§ 2. The bonds authorized to be issued by this ordinance, shall be each for the sum of one thousand dollars; shall be signed by the mayor and countersigned by the city clerk, with the corporate seal of said city affixed, and shall be dated on the first day of July, A. D. 1849, and shall be made due and redeemable ten years from the date thereof, to wit: on the first day of July, A. D. 1859.

The said bonds shall be made payable, principal and interest, at the Phenix Bank in the city of New York, and they shall bear interest at the rate of six per cent. per annum, payable semi-annually, and for which coupons bearing same date as the bonds, signed by the mayor, shall be attached; *Provided*, that the coupon for interest, due 1st of January, 1850, shall be omitted to be attached to said bond. The said bonds shall in other respects be in the usual form, and shall be entitled "Special Loan Bonds," and shall have printed on their backs, a copy of this ordinance, authorizing their issue.

§ 3. *Be it further ordained*, That so much as may be necessary of the revenue of said city, derived from wharfage and the public landing of said city, be applied to the payment of the interest to accrue on the bonds mentioned aforesaid, and entitled "Special Loan Bonds," and the said revenues are hereby pledged for the special payment of the interest aforesaid.

§ 4. *Be it further ordained*, That hereafter it shall be the duty of the wharf master of said city, at the end of each and every month, to account for and pay to the treasurer of said city, the moneys arising from wharfage, and the public landing aforesaid. And it shall be the duty of said treasurer aforesaid, to keep the proceeds of said wharf and public landing, separate and apart from the ordinary funds of said city, and the same shall be paid out by him on the order of the mayor, countersigned by the city clerk, *first* to the satisfaction and payment of the interest semi-annually accrued and due on said bonds.

§ 5. *Be it further ordained*, That when a sale of said bonds shall be made, and approved by the city council, the mayor shall be authorized and is hereby directed to deliver said bonds

to the purchaser or purchasers thereof, as fast as money may be wanted for the payment of the debt of the city now due, and for grading said Vermont street.

XXXIV.

An Ordinance relating to the Public Schools of the City.

- SEC. 1. Superintendent to have control of Schools. Superintendent's powers and duties. To be under supervision of Council.
2. Superintendent to keep record of his acts and account of expenses. To make reports to Council. Other powers and duties.
3. Council to appoint Board of Visitors. Their powers and duties. To examine teachers; make reports to Council.
4. How expenses of Schools paid, and claims how allowed.
5. City Treasurer, School Treasurer. His duties and compensation.
6. How enumeration of children taken. Compensation.

SECTION 1. *Be it Ordained by the City Council of the City of Quincy,* That the superintendent of schools shall have the control and direction of the public schools of the city. He shall employ teachers, fix their respective salaries, direct their labors, decide on the books, maps, globes, charts and apparatus to be used in the public schools, attend to the condition and repair of school houses, provide furniture necessary for school rooms, provide fuel for the several schools, personally visit each school once in two weeks, and examine into the condition and conduct of the same. He shall attend to furnishing the respective schools with whatever may be necessary for the convenience of teachers and scholars, of ordinary use in public schools, and certify to the city council the amount due any person for teaching, when required. He may discharge teachers for incompetency, or other reasonable cause, subject to the approval of the city council. He may establish a code of rules for the government of the public schools, and alter or annul the same. He shall be under the supervision of the city council, and said city council may generally direct him in the discharge of his duties, and sanction or annul his acts and doings, at pleasure.

§ 2. *Be it further ordained,* That said superintendent shall

keep a record of his actings and doings, and an account of all expenses arising from the public schools. He shall keep an account with each teacher, as well as between himself and the city, and the same shall be a public record of the city, subject at all times to the inspection of the city council and persons interested, and shall be submitted to the city council, together with his annual report hereinafter mentioned. He shall make semi-annual reports to the city council, in writing, on or before the first days of July and February of each year, showing the expenses of the public schools for the previous half year and the items thereof. He shall also make an annual report, in writing, to the city council on the first day of April of each year, which report shall show the total amount of expenses of the public schools for the year ending on the first day of February then last past, and the expenses accrued thereafter, up to the first day of April, together with the items thereof, and shall, so soon as practicable thereafter, make settlement with the city council for the previous year. The annual report provided for in this section shall also exhibit and show the number of public schools within the city, the number of school houses and school apartments, the number of teachers employed, male and female, and the salary of each; the number of children admitted to the several public schools during the previous year, the average number of scholars attending, and the total number of days' attendance; the branches of learning taught, the leading books used, and such other statistical information relating to the public schools as he may be able to obtain; and to which report said superintendent shall append such information, recommendations and suggestions as he may deem advisable. A synopsis of said report shall be published in the city newspapers, so soon as practicable after the same shall be made, annually.

§ 3. *Be it further ordained*, That the city council shall appoint, so soon as practicable, a board of public school visitors, consisting of three residents of the city, who shall hold their offices until the next annual organization of the city council, and who shall thereafter be appointed annually, in manner provided by ordinance for the appointment of city officers by

the city council. Said board of visitors, or a majority of them, shall examine all teachers and decide on their qualifications, and shall grant certificates of qualification to teachers; and no teacher shall be employed without such certificate of qualification: *Provided*, in case of the absence or inability of a majority of said board, teachers may be employed, until such examination can be made. Said board of visitors shall, on request of the mayor, and as often as once in every three months, visit the several public schools of the city, and enquire into and examine the mode of teaching, the books and apparatus used, the competency and conduct of the teachers, the proficiency of the scholars, and the general condition of the schools, and shall make report, in writing, of the condition thereof, appending to their report such information, recommendations and suggestions in relation to said schools as they may deem advisable.

§ 4. *Be it further ordained*, That the expenses of the public schools shall be paid out of the district school fund, and in case the same shall be insufficient, the deficit shall be paid out of the common treasury of the city, as the city council may from time to time order. All claims against the city, or any fund thereof, accruing on account of the public schools, except salary of superintendent and salaries of teachers, shall be audited by the auditing committee, and before they are paid, allowed by the city council.

§ 5. *Be it further ordained*, That the city treasurer shall be *ex officio* treasurer of the Quincy school district, and shall perform such duties and receive such compensation, where not otherwise provided by ordinance, as treasurers of school townships may be entitled to in like cases, under the laws of this state relating to common schools; and shall perform such other duties as may be required of him by the city council.

§ 6. *Be it further ordained*, That the city treasurer shall take correct enumerations of the children within the Quincy school district, and make return thereof to the school commissioner of Adams county, at the time and in the manner provided by the laws of this state relating to common schools; and the city council shall allow him such compensation therefor as may be equitable.

NO. XXXV.

An Ordinance adopting a code of Revised Ordinances.

- SEC. 1. Revised Ordinances adopted. Exceptions.
2. Ordinances, how construed. Exceptions.
3. Special exceptions from repealing clause.

SECTION 1. *Be it ordained by the City Council of the City of Quincy*, That the foregoing Revised Ordinances shall be in force, and of full authority within the city, from and after the first day of April, eighteen hundred and fifty-two. And all ordinances of the city, the subject matter of which is therein treated on and provided for, be and the same are hereby repealed from and after the said first day of April, eighteen hundred and fifty-two: Provided, however, that such repeal shall in no wise affect, or invalidate, any act done, right accrued, offence committed, penalty incurred, prosecution or proceeding commenced before the day and year aforesaid; but all such acts, rights, offences, penalties, prosecutions and proceedings, shall be and remain in the same condition, and of the same force and effect in all respects as if this ordinance had not been made.

§ 2. *Be it further ordained*, That whenever, in any ordinance, any subject matter, party, or person is described or referred to in the singular number, and any two or more such subject matters, parties, or persons are equally within the reason and object of the ordinance, the language thereof shall be so construed as to embrace them; and if, in like manner, words are used, importing the plural number, they shall be held applicable, under like circumstances, to any single matter, party, or person referred to; and if the terms of the ordinance refer to males only, they shall be understood, in similar cases, to include females also: *Provided*, that these rules of construction shall not prevail, if there be any special provision in such ordinance, or anything in the context, or in the subject matter thereof, plainly repugnant to such an interpretation.

§ 3. *Be it further ordained*, That all ordinances of the city establishing any street or streets, lane, alley, or avenue, or establishing, changing or altering the grade of streets, or of any street, lane, alley or avenue within the city, and all ordinances of a purely special character, and local, only, to a particular object, or the intent and purpose of which has been fully accomplished and executed, and which remains, only, as authority for such act or execution, the same not being provided for in the foregoing Revised ordinances, shall remain in force and unrepealed.

Passed in Council, this first day of April, A.D. 1852.

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REVISED ORDINANCES OF THE CITY OF QUINCY



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