

AN ACT

TO INCORPORATE THE TOWN OF

LODA,

IREQUOIS COUNTY,

ILLINOIS.

GILMAN:
MATTHIAS GUSTERS, PRINTER.
1869.

AN ACT TO INCORPORATE THE TOWN
OF LODA, IROQUOIS COUNTY,
ILLINOIS.

ARTICLE I.

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 Loda, in the county of Iroquois, and state of Illinois, be and they are hereby constituted a body corporate and politic by the name and style of "The Town of Loda," and by that name and style shall have perpetual succession, and may have and use a common seal, which they may alter at pleasure.

SECTION 2. The inhabitants of said town, by the name and style aforesaid, shall have power to sue and be sued, to plead and be impleaded, to defend and be defended, to answer and be answered unto, in all courts of law and equity in this state, in all actions whatever; to purchase, to receive and hold property, real and personal, within or beyond the limits of said town, for burial grounds and other public purposes; to sell, lease, or convey property, real and personal, for the use of said town, and to protect and improve any such property as the public good may require, and to do all other things in relation thereto as natural persons.

SECTION 3. The town limits of the said town of Loda shall be bounded as follows, to wit: beginning at the southeast corner of section twenty-one (21), town twenty-four (24), north range ten (10), east third principal meridian, in Iroquois county, state of Illinois; thence north along the east line of said section twenty-one (21), to the center of North Fifth street, of Neal's addition to Loda; thence northwesterly along the center of said North Fifth street to the west line of said section twenty-one (21); thence south along the west line of section twenty-one (21), to the northeast corner of Goodell's addition to Loda; thence west along the north line of Goodell's addition to Loda, to the west line of the east half of section twenty

(20), in said town twenty-four (24); thence south along the west line of the east half of said section twenty (20), and the west line of the east half of section twenty-nine (29), to the southwest corner of Bairdton, an addition to Loda; thence along the south line of Bairdton to the northwest corner of block A, (one of the out lots to the town of Bairdton); thence south along the west line of said block A, to the southwest corner of said block A; thence east along the south line of said block A, to the southeast corner of said block A; thence north along the east line of said block A, to the southwest corner of Distillery addition to Loda; thence east along the south line of Distillery addition to Loda, which is the south line of the north half of the south half of section twenty-eight (28), to the southeast corner of Distillery addition aforesaid; thence east along the south line of said north half of the south half of said section twenty-eight (28), to the northwest corner of the southeast quarter of the southeast quarter of said section twenty-eight (28); thence north along the west line of the northeast quarter of the southeast quarter of said section twenty-eight (28), to the east line of Railroad addition to Loda, Illinois; thence along the east line of said Railroad addition, to the south line of the northeast quarter of the northeast quarter of said section twenty-eight (28); thence east along the south line of said northeast quarter of the northeast quarter of said section twenty-eight (28), to the southeast corner of said northeast quarter of the northeast quarter of said section twenty-eight (28); thence north along the east line of said northeast quarter of the northeast quarter of said section twenty-eight (28), to the point of beginning, being the northeast corner of section twenty-eight (28), town twenty-four (24), north of range ten (10), east third principal meridian.

SECTION 4. Whenever any tract of land adjoining the town of Loda shall be laid off into town lots, and duly recorded as required by law, the same shall be annexed to and become a part of the town of Loda, which the town council may so declare by ordinance.

ARTICLE II.

SECTION 1. The municipal government of said town shall be vested in a town council, consisting of six members, to be elected by the qualified voters of said town; and no person shall be a member of the town council unless he shall have been a resident of said town one year next preceding his election, and shall at the time of his election be a freeholder in said town, and entitled to vote for state officers.

SECTION 2. If the president or any member of the town council shall remove from said town, his office shall be vacated, and shall be filled by election or appointment.

SECTION 3. The town council shall be judges of the qualification, election and returns of its own members, and determine all contested elections for town officers.

SECTION 4. A majority of the town council shall constitute a quorum to do business, but a minority may adjourn from time to time, and compel the attendance of absent members.

SECTION 5. The town council shall determine the rules of its proceedings.

SECTION 6. Every member of the town council, before entering upon the discharge of the duties of his office, shall take an oath or affirmation that he will support the constitution and laws of the United States and of this state, and that he will well and truly perform the duties of his office to the best of his ability; which oath may be administered by the president, or any justice of the peace, or other persons empowered by law to administer oaths.

SECTION 7. The town council shall hold stated meetings in each year, at such times and places as it shall appoint.

ARTICLE III.

SECTION 1. On the second Tuesday in July A. D. 1869, an election will be held for six members of the town council. Two of said councilmen shall hold their office for three years, and two of them for two years, and two of them for one year; and they shall determine by lot, in the presence of the board, who shall serve for the three year term, who for the two year term, and who for the one year term; and there shall be elected annually thereafter two members of the town council who shall hold their offices for three years.

SECTION 2. Until the said election, to be held on the second Tuesday of July A. D. 1869, the present board of trustees for the town of Loda, holding their offices under and by virtue of the general laws of this state for the incorporation of towns and cities, shall remain in office, and discharge all the duties of their respective offices, and until their successors are elected and qualified. Upon the election of the six members of the town council as provided above, and annually thereafter, the said town council shall elect from their number a president.

SECTION 3. All elections of the town shall be held by one judge, assisted by one clerk, who shall each take the oath now required to be taken by the judges and clerks under the general election laws of this state. The town council shall appoint the judge and clerk; but in case no appointment is made, or those appointed shall decline serving, or shall not be present at the time for opening the polls, the electors present may select any of their number to act as judge and clerk, or judge or clerk.

SECTION 4. The polls shall not be opened earlier than eight o'clock in the morning and may be closed at four in the afternoon. The elections shall be conducted as near as may be with the general law of the state, except as herein changed. After the polls are closed, the judge and clerk shall canvass the ballots and certify the result to the town council, and shall return all the ballots, pollbooks, affidavits and papers to the town clerk to be filed in his office.

ARTICLE IV.

SECTION 1. The President shall preside over all the meetings of the town council, and shall see that the ordinances of the town and the laws of the state are duly enforced within the town, and that all the officers of the town discharge their respective duties. He shall recommend such measures to the council as he may deem advantageous.

SECTION 2. He is hereby authorized to call upon any and all able bodied male inhabitants of the town, or county of Tregnois, over the age of eighteen years, to aid in enforcing the laws of the state or ordinances of the town; and any person who shall not obey such call shall forfeit and pay to said town a fine of not less than five, nor more than twenty-five dollars.

SECTION 3. The president, or two councilmen, may call a special meeting.

SECTION 4. In case of a tie vote, the president shall have the casting vote only; and in case of his absence at any meeting of the council, a chairman *pro tem.* shall be appointed by the council.

ARTICLE V.

SECTION 1. The town council shall have power to appoint a town clerk, who shall be *ex-officio* treasurer; town attorney; one or more street commissioners; and such other officers and agents as may be necessary for carrying into effect the provisions of this act and the ordinances of said town; and to require all officers to take an oath that they will support the constitution of the United States and of this state, and will faithfully and to the best of their abilities discharge the duties of their offices; and may require any and all of its officers so appointed to give bonds with sufficient security, to be approved by said town council, well and truly to perform the duties of their respective offices, all such bonds to be given to said corporation by its corporate name.

SECTION 2. The said town council shall have power to fill vacancies, by appointment, in the board of town council, occasioned by death, removal, resignation, continued absence from their regular meetings for the space of three months, or otherwise, or they may order a special election to fill said vacancy. They may punish their members, or other persons, for disorderly conduct before the town council while in session; and, by a vote of three fourths of all their members, they may expel a member for good cause shown; and they shall have power to remove from office, by a vote of three fourths of all their members, any subordinate officer of said town who holds his office by appointment of the town council of said town.

SECTION 3. The town council shall have power, and shall prescribe by ordinance the duties of all officers that may be appointed by said town council.

SECTION 4. The officers of the town shall receive such fees, salary or other compensation as the council may provide by ordinance.

ARTICLE VI.

SECTION 1. There shall be elected in the town of Loda, by the qualified voters thereof, on the second Tuesday in July A. D. 1869, and on the second Tuesday in July every four years thereafter, a police magistrate, who shall hold his office for four years and until his successor is elected and qualified. He shall qualify in the same manner and be subject to the same penalties that are provided by the general laws of this state for other justices of the peace. He shall possess and may exercise all the powers, jurisdiction and authority that other justices of the peace of the county of Iroquois might have and exercise in similar cases. The present police magistrate of the said town of Loda, holding his office under and by virtue of the general law of this state, for the incorporation of towns and cities, shall be deemed to hold his office under and by virtue of this act until the second Tuesday in July A. D. 1869, and until his successor is elected and qualified.

SECTION 2. Said police magistrate shall be a conservator of the peace for the said town of Loda, and shall have exclusive original jurisdiction, except as hereinafter provided, in all cases arising out of or under the laws and ordinances of said town, or this act, and shall in all cases possess and may exercise all the rights, powers and authority now conferred on police magistrates by the laws of this state. Whenever, after the passage of this act, there shall occur a vacancy in the office of police magistrate of said town, the town council of said town shall, within twenty days from the occurrence of any such vacancy, call an election to fill the same; and the person so elected shall hold his office during the unexpired part of the term, and until his successor is elected and qualified.

SECTION 3. He shall in all cases be entitled to the same fees and emoluments as may be provided by ordinance. In case of the absence of said police magistrate, or his inability to serve, any justice of the peace of said Iroquois county shall have the same jurisdiction, powers and authority under the laws and ordinances of said town as the said police magistrate possesses in like cases. The rule of practice and proceedings, in all cases arising out of the laws and ordinances of said town, shall conform to the practice and proceedings before other justices of the peace, except when such rule and proceedings shall be changed or modified by the laws, ordinances or charter of said town, in which case the rule of practice or proceeding shall conform to the rules prescribed by such laws, ordinances or charter.

SECTION 4. In all cases arising under any ordinance of said town, or under this act, changes of venue and appeals shall, when applied for, be allowed to the circuit court of said Iroquois county, in the same manner as is provided in other cases before justices of the peace: Provided, that in all cases arising out of any ordinance of said town, or under this act, if either party wishes to appeal, he, she or they shall give notice, in writing, thereof, to the police magistrate or justice of the peace before whom the case was tried, on the day of trial thereof, and shall file the necessary appeal bond with such justice of the peace within five days from the day of such trial.

SECTION 5. There shall be elected, by the qualified voters of said town, on the second Tuesday in July A. D. 1869, and on the second Tuesday in July every two years thereafter, a police constable, who shall hold his office for two years and until his successor is elected and qualified.

SECTION 6. No person shall be elected to the office of police magistrate, or police constable, who shall not have been a resident of said town for one year next preceding his election, and both must be qualified voters for county and state officers by the general laws of this state.

SECTION 7. The police constable of said town shall qualify in such manner as the town council may by ordinance prescribe, and shall have power and authority to execute warrants and other process issued by the police magistrate of said town, or any justice of the peace of said Iroquois county. He shall have, and may exercise, in all cases, the same powers and authority that are given to the constables of said county by the laws of the state of Illinois, and shall be entitled to such fees for his services as may be prescribed by ordinance, and shall, in all cases of nonfeasance and misfeasance of duty, be subject to the same penalties and disabilities that are provided by the laws of the state of Illinois for other constables in like cases.

SECTION 8. In all cases arising under the laws or ordinances of said town, any constable of the county of Iroquois shall have the same rights, power and authority to serve or execute any process issued therein, original or otherwise, that the said police constable would possess. Whenever the constable of said town shall see any person or persons engaged in any assault, assault and battery, riot, rout, affray, disturbing the peace of the inhabitants of said town, disturbing any public meeting, religious or otherwise; or unlawful assemblages of any kind within said town; it shall be his duty to make immediate arrest of such person or persons, on view, without warrant; and in all such cases, any constable of the county of Iroquois shall have the same power of arresting without warrant as the said police constable in such cases would possess; and, in such cases of arrest without warrant, the constable making such arrest shall forthwith take such person or persons before the police magistrate of said town, or, in case of his absence or inability to act, before any justice of the peace, having an office in said town, and shall inform such police magistrate or justice of the peace of the nature of the offence for which such person or persons were arrested; and the police magistrate or justice of the peace shall thereupon institute a suit against such person or persons, and proceed therein in all respects the same as if such person or persons had been arrested and brought before him under warrant duly issued: Provided, said police constable or other constable of the county making arrest as aforesaid shall have the right, power and authority to detain, if necessary, any person or persons so arrested in custody over night, or the Sabbath, in the town jail, watch house, or county jail or other safe place, or until such person or persons can be brought before the police magistrate or justice of the peace having an office in said town. The said police constable shall faithfully perform all the other acts and duties required of him by the laws and ordinances of said town.

ARTICLE VII.

SECTION 1. The town council shall have power and authority to levy, assess and collect taxes upon all property, real and personal, within said town, which is subject to taxation for state and county purposes, not exceeding one dollar annually on the hundred dollars of the assessed valuation thereof; and they may assess and enforce the collection of such taxes by any ordinance or ordinances not repugnant to the constitution of this state or the United States; and until they do so provide, the tax, not exceeding said sum, shall be assessed and collected by the same assessor and collector, whose duty it shall be by general law to assess and collect the state and county tax for township twenty-four (24), north range No. ten (10) east, eleven (11) east, and fourteen (14) west, in said county of Iroquois. It shall be the duty of the town council to certify to the clerk of the county court, as soon as convenient after the assessment is made in each year for state and county purposes, of the rate per cent. of taxation levied by them for general revenue purposes for said year, together with a list of all tax payers residing within the corporate limits of said town; and it shall be the duty of said county clerk to extend said tax upon the books of the assessor and collector in the same manner that he is now required by law to carry out and extend the district school tax against the name of each tax payer.

owning property in said town; and said tax shall be collected in every respect, and the collection thereof enforced in like manner and with like remedies as the state and county tax, and shall be paid over by the collector to the treasurer of said town at the same time that the county revenue is required to be paid over to the county. Any court which shall order judgment in Iroquois county against lands and lots in said town for nonpayment of taxes due the state and county, shall, at the same time, include in the same judgment any and all taxes which may be due said town. The clerk of the county court shall receive one per cent. on the amount of tax collected in said town for his services in extending and adding said tax on the assessor's and collector's books. The collector shall receive the same compensation which may be allowed by law for the collection of state and county taxes, and shall be liable, on his official bond, for the payment of all such town or corporation tax by him collected.

SECTION 2. The town council shall have power to appropriate money, and to provide for the payment of the debts and expenses of the incorporation.

SECTION 3. To borrow money on the credit of the town, at an interest not exceeding ten per cent., upon a vote of the qualified voters of the town by ballot, for which purpose a special election shall be called by the president, giving ten days notice; and if a majority of the legal voters are in favor of such loan, it may be made, not otherwise.

SECTION 4. Any member of the town council knowingly voting in favor of any misapplication or wrongful conversion of the funds, or personal property of the town, shall be personally liable to the town, in an action on the case, for the amount so misapplied or converted, and costs.

SECTION 5. They shall have power to make regulations for securing the general health and comfort of the inhabitants of said town; to define and declare what shall be considered a nuisance, and to provide for the prevention, removal or abatement of the same, and to provide for the punishment of the authors thereof by fines, penalties or imprisonment in the town jail, or county jail of Iroquois county, and to authorize, direct and enforce the summary abatement of any such nuisance or nuisances.

SECTION 6. They shall have power, and it shall be their duty, to cause all streets, alleys and public roads within said town to be kept in good repair. Also, to open, alter, abolish, widen, extend, establish, grade or pave streets, squares, avenues, lanes, and alleys in said town. Also, to erect and keep in repair bridges within the corporate limits of said town.

SECTION 7. They shall have power to drain or cause to be drained any slough or pond within the limits of said town.

SECTION 8. They shall have power to provide the town with water; to sink and keep in repair public wells; and erect and keep in repair such public buildings as the necessities of the town may require; and provide for the inspection and weighing of hay and coal and all kinds of grain and produce, and the measurement of wood to be used in said town.

SECTION 9. They shall have power to license, tax and regulate auctioneers, merchants, family grocery stores, eating houses, bankers and peddlers; and to regulate the fixing of chimneys and the flues thereof; also regulate the storage of gun-

powder, tar, pitch, rosin and other combustible materials in said town; to restrain and prohibit every description of gambling and fraudulent devices; and to suppress and prohibit gambling houses, houses of ill fame and other disorderly houses, within said town, and one mile from the limits of said town.

SECTION 10. They shall have power to tax, license and regulate, or suppress and prohibit, all exhibitions of common showmen, shows of every kind, carnivals, circuses and exhibitions and amusements of every kind, unless gotten up in said town by the citizens of said town. They shall have power to provide for the arrest, trial and punishment of persons who may be guilty of any assault, assault and battery, affray, riot, disturbing the peace of the inhabitants, or of any public meeting whether religious or otherwise of said town, or disorderly assemblages of any kind within the limits of said town; to prohibit and impose penalties on the authors thereof; or any indecent exposure of person or dumb beast to public view, or the public use of indecent or obscene language, or the exposure to public view of any indecent or obscene picture or publication within said town.

SECTION 11. They shall have the power to prevent the running at large of dogs, and to provide for the destruction of the same when found at large contrary to the provisions of any ordinance in such cases made and provided; to prevent the firing of squibs, guns, rockets, or other fireworks or combustibles within said town.

SECTION 12. They shall have power to prevent the encumbering of any street, lane, avenue, road, alley or public grounds of said town; to protect shade trees; to compel persons to fasten horses, mules or other animals attached to vehicles, or saddled, or bridled, for use, while standing in any street, lane, road, alley or uninclosed lot within said town; to prevent horses, cattle, sheep, hogs, or other animals from running at large in said town; and to provide for restraining and impounding any such animal or animals, and the sale thereof, to satisfy costs and charges and penalty or penalties incurred under any ordinance of said town; to prevent racing within said town with horses or other animals; to prevent any immoderate riding or driving of horses or other animals within said town; and, also, to prohibit and punish the abuse of any and all animals within said town.

SECTION 13. The town council of the town of Loda shall have and exercise complete and exclusive control, as hereinafter provided, over the selling, bartending, exchanging, giving away, or in any manner trafficking in strong beer, ale, lager beer, wine, rum, gin, brandy, whiskey, or intoxicating liquors, drinks or beverages of any kind whatsoever, including Hostetter's stomach bitters, Plantation bitters, Roback's bitters, Red Jacket bitters, or any other bitters, of whatsoever name or kind, containing intoxicating liquors, or malt, or fermented liquors of any kind, within said town; and may by ordinance declare any such selling, bartending, exchanging, giving away or trafficking in any manner, in any spirituous, vinous, malt or fermented liquors within the corporate limits of said town, and the place or places where the same is carried on, or either of them, a nuisance; and shall have and exercise the same power and authority to provide for the prohibition or prevention, removal or abatement of any such nuisance or nuisances, and for the punishment of the authors thereof, as they have and may exercise by virtue of section five of article seven of this act in the case of other nuisances; Provided, that they shall allow *bona fide* druggists to sell the same in good faith for purely medicinal,

mechanical or sacramental purposes, and not for any other purposes (which sale by said druggists shall be regulated by said town council): Provided, they shall not impose any fine by authority of this section of more than one hundred dollars, nor less than twenty-five dollars, for any one offence, or any penalty in the town jail, or county jail of Iroquois county, of more than thirty days for any one offence.

SECTION 14. They shall have power to restrain and prohibit vagrants, mendicants, beggars and prostitutes; and to provide for the arrest and punishment of any person or persons found intoxicated in any street, alley, lane or other public place in said town.

SECTION 15. They shall have the power to direct the location and regulate the construction and management of blacksmiths' shops, founderies, livery stables, and packing houses; to direct the location and regulate the construction and management of or to restrain, abate and prohibit, within said town, and to the distance of one mile from the limits thereof, breweries, distilleries, slaughtering establishments, establishments for rendering lard, tallow, offal and such other substances as may be rendered or tried, and other establishments or places where nauseous offensive, or unwholesome business may be carried on.

SECTION 16. They shall have power to make such regulations for the prevention and extinguishment of fires, and shall have the charge and control of the same. They shall have power to organize fire, hook, hose, ax and ladder companies and to make rules and regulations for the government of the same.

SECTION 17. They shall have power to regulate, restrain, suppress, distrain or prohibit billiard tables, ball alleys, Faro banks, lotteries, in said town.

SECTION 18. They shall have power to cause sidewalks and gutters to be constructed, as they may direct, on any street, alley, or any part thereof, and the special benefits that will be derived by such improvement to each lot fronting and adjoining to the same shall be assessed to and charged upon said lot, and the residue of the cost of constructing the same shall be paid by equal and uniform taxation. The special benefits to be ascertained and assessed to each lot by three commissioners appointed by the town council for that purpose.

SECTION 19. The town council shall have power to build or provide, if necessary, a town jail for the imprisonment of offenders; and may provide by ordinance that any person or persons convicted under any ordinance in said town, and who fails, neglects or refuses to pay the fines as assessed against him, her or them, may be either confined in said town jail, the county jail, or made to perform labor on the streets or alleys of said town: Provided, that such imprisonment shall not be for a longer duration than six months for any one offence; no fine for any one breach of any ordinance of said town shall exceed one hundred dollars, besides the costs of prosecution, including attorney's fees to be fixed in amount by the town council. The town council shall have power to confine all offenders in the jail of Iroquois county until a jail or lock-up shall be built or provided in said town of Loda.

SECTION 20. To establish and maintain a public pound, and appoint a pound master and prescribe his duties.

SECTION 21. The town council shall have power to require railroad companies to construct and keep in repair suitable crossings at the intersections of streets and

alleys, when the town council shall deem it necessary, and to cause said companies to keep open and in repair ditches, drains, sewers and culverts on the sides of their railroad tracks, so that filthy or stagnant pools of water cannot stand on their grounds or right of ways, to the injury of said town and of the health of the inhabitants thereof; and to regulate the speed of locomotive engines in said town or any part thereof; and to prevent said railroad companies from obstructing the highways, streets, and alleys in said town or any part thereof, with their engines, trains and any part thereof.

SECTION 22. The town council shall have power, and it is hereby made their duty, for the purpose of keeping in repair the streets, alleys, lanes and highways of said town, to require every male inhabitant of said town, over twenty-one years of age, and under fifty to labor on the streets and alleys not exceeding four days, in each year, and any such person failing to perform such labor, when duly notified by the street commissioner, or his assistant, of said town, shall forfeit and pay the sum of two dollars to said town for each day so neglected or refused: Provided, the person notified to perform labor on said streets and alleys shall be allowed to procure a substitute equally able as himself, or commute by paying to the street commissioner, within twenty-four hours from the time of notice, the sum of one dollar per day for each day assessed.

ARTICLE VIII.

MISCELLANEOUS PROVISIONS.

SECTION 1. The town clerk shall post up notices of all elections, in three of the most public places in said town, at least ten days before said elections.

SECTION 2. Whenever there shall be a tie in the election of members of the town council, the judge and clerk of the election shall certify the same to the town council, who shall determine the same by lot, in such manner as may be prescribed by ordinance; and in case a tie should occur at the first election held under this charter, the judge and clerk of election shall certify the same to the president and trustees of the town of Loda, then holding said offices, who shall determine the same by lot.

SECTION 3. The town council shall have power to make all ordinances which may be necessary and proper for carrying into effect the powers and authority conferred upon them by the provisions of this act, or which may be necessary for the better regulation of the internal police of said town, not inconsistent with the constitution of this state or of the United States; and to cause the same to be executed. They shall also have power to impose fines and penalties for the breach of any law or ordinance of said town, or of any provision of this act, and to provide for the recovery and enforcement of any such fines and penalties.

SECTION 4. All prosecutions under the laws and ordinances of the town of Loda, for assaults, assaults and batteries, affrays, riots, routs, disturbing the peace of the inhabitants of said town, disturbing any public meeting, religious or otherwise; unlawful assemblages of any kind; and in cases in which the penalty by the laws or the ordinances of said town is imprisonment in the town jail, or in the jail of Iroquois

county, shall be, except in cases of arrest without warrant as hereinbefore provided, commenced by complaint and warrant, in the same manner prescribed by the laws of the state of Illinois for the regulation of criminal proceedings in justices' courts; and in all such cases, the rules of practice and proceedings shall be the same as prescribed in such cases for justices' courts by the laws of this state, except when the laws and ordinances of said town prescribe new rules, or different rules of practice or proceedings, in which case the rule of practice or proceedings shall conform to the rule prescribed by the laws or ordinances of said town.

SECTION 5. In all other cases for violating the laws or ordinances of said town, the penalties or penalty therefor shall be recovered by action of debt in the name of "The town of Loda," and in all such actions of debt, the first process shall be by summons to be issued, served, and returned as other summonses, in actions of debt issued by justices of the peace of said Iroquois county aforesaid; and if the defendant or defendants shall be found guilty, jointly or severally, of any one or more of the offences alleged in said suit, judgment shall be entered for the amount of fine assessed and the cost of suit as in other cases.

SECTION 6. In all actions of debt for offences committed against the laws or ordinances of said town, it shall be lawful for the plaintiff in the same suit to allege, prove and recover for any number of offences of the same nature: Provided, that the amount recovered shall not in any case exceed one hundred dollars. All fines or penalties received or collected for any violation of the laws or ordinances of said town shall, by the person or persons receiving or collecting the same, be paid into the treasury of said town.

SECTION 7. The town council of said town shall not, in any suit in which they are concerned for the violation of any law or ordinance of said town, either before the commencement or during the pendency thereof, be compelled to give any security therein for costs, and they may be allowed, to take appeal from any judgment rendered by the police magistrate, or justice of the peace, wherein said town is a party to the suit, without filing an appeal bond or giving security for costs.

SECTION 8. Upon the rendition of any judgment for a breach of any law or ordinance of said town, the police magistrate or justice of the peace rendering such judgment shall forthwith issue an execution for the amount of such judgment and costs of suit, which may be levied upon and collected out of any property of the defendant or defendants not exempt from execution by the laws of the state of Illinois. But if the constable having such execution shall return thereon, that he cannot find sufficient property of the defendant or defendants, not exempt from execution to satisfy such execution, or if the defendant or defendants are transitory, then the said police magistrate or justice of the peace shall issue a *capias* against the body or bodies of the defendant or defendants, and the constable shall immediately arrest and convey him, her or them to the jail of said town, or to the jail of the county of Iroquois, there to remain forty eight hours if the fine and costs amount to five dollars, and twenty four hours for every additional sum of two dollars: Provided, however, that if the town council of said town, or their attorney shall require a transcript of the judgment and costs to be certified to the circuit clerk of the said Iroquois county, to have the same levied upon real property, and shall signify the same to such police magistrate or justice of the peace, he shall not issue a *capias*

as aforesaid, but shall, without delay, certify a transcript thereof according to law, to said clerk, which shall be filed and recorded as in other cases; and such judgment shall have, from the date of filing such transcript, the same force and effect as judgments rendered in the circuit court of said county in civil cases: Provided, that if the defendant or defendants shall in any case arising under the provisions of this act, or any law or ordinance of said town, as hereinbefore provided, signify his, her or their intention of appealing, and shall file the necessary appeal bond, within the time required, the police magistrate or justice of the peace shall, if he approve such appeal bond, order the return of any property that may have been taken under execution to satisfy such judgment.

SECTION 9. Whenever it shall become necessary to take private property for opening or altering any public street or alley, the corporation shall make just compensation to the owner or owners of such property and pay or tender the same before opening or altering such street or alley, or before taking private property for any public use; and in case the amount of such compensation can not be agreed upon, the police magistrate shall cause the same to be ascertained by a jury of six disinterested freeholders of said town. All jurors impaneled to ascertain the amount of damages which shall be allowed to the owner or owners of any property that is about to be taken for any public purpose, shall be sworn to examine the property in question, and after carefully considering both the advantages and disadvantages that will probably accrue to the owner or owners thereof by such taking, and the proposed use of such property, they shall within ten days make out their verdict, in writing, signed by each of said jurors, to the police magistrate of said town, assessing to such owner or owners such damages as they think just. Said police magistrate shall file and docket such verdict and shall forthwith cause the town council, or their attorney, and the owner or owners of property included in such verdict, to be notified of the contents of the same. The police magistrate may, at any time within ten days of the filing such verdict, for good cause shown, set aside such verdict and grant a new inquest of damages. If either party shall be dissatisfied with the verdict of the second inquest, they shall be allowed an appeal to the circuit court of the county of Iroquois. Whenever any such verdict, not exceeding the sum of one hundred dollars, shall be filed with the police magistrate and entered upon his docket, unless set aside or appealed from, it shall be a judgment against the said town of Loda, in favor of such owner included therein, for the amount of damages thereby assessed to him; and in case the sum assessed to the owner exceed one hundred dollars, the said police magistrate shall, on application of the person entitled thereto, certify to the clerk of the circuit court of Iroquois county, a full and complete transcript of the proceedings and verdict in such case, which shall be filed and recorded by the clerk of said court in the same manner as other transcripts from justices' dockets, and shall from the time of such filing have all the force and effect in favor of the person or persons entitled to such damages as a judgment obtained in said circuit court.

SECTION 10. All ordinances and resolutions heretofore passed by the president and trustees of said town of Loda, which are not inconsistent with this act, shall be and remain in full force and effect, until the same shall be repealed by the said

president and trustees, or by the town council hereby created; and all actions, fines, penalties and forfeitures which have accrued to the president and trustees of said town or which may accrue to them, prior to the taking effect of this act, shall be vested in and prosecuted and recovered by the corporation hereby created.

SECTION 11. All property belonging to the president and trustees of the town of Loda, for the use of the inhabitants of said town, shall upon the taking effect of this act, be vested in the corporation hereby created; and this act shall not invalidate any act done by said president and trustees, nor divest them of any rights which may have accrued to them prior to the passage of this act.

SECTION 12. The town council shall require their clerk, and it shall be his duty, to make and keep a full and faithful record of all their proceedings, by-laws and ordinances, and of the time, place and manner of the publication of such ordinances and by-laws, in a book to be provided for that purpose; and such book, purporting to be the record book of the corporation of the town of Loda, shall be received in all courts without further proof, as evidence of the matters therein contained; and all ordinances, acts, resolutions, by-laws, and other things, pertaining to and concerning the present corporation of the town of Loda, shall be sufficiently proven in any court of law and equity in the state of Illinois by the production in such court of the book or books in which the same is or are recorded, if such book or books purport to be the record book or books of said corporation; and all ordinances and by-laws hereinafter passed by the town council of said town, before taking effect, shall be published at least ten days in some newspaper published in said town, or by posting up copies of the same in at least three public places in said town, and shall be signed by the president and clerk of the board and authenticated by the common seal of the corporation, and shall be written out in full on the record book or books of the said corporation, and shall be signed thereon by the president and clerk of the town council with their proper signatures; and said clerk, at the time of making such record entry, shall attach thereto the common seal of the corporation and shall also note the date of the adoption and publication, and the time of taking effect thereof.

SECTION 13. The style of the ordinances shall be: "Be it ordained by the town council of the town of Loda."

SECTION 14. All ordinances, before taking effect, shall be published at least ten days, in a newspaper published in said town, or by posting up copies, either written or printed, in three of the most public places in said town.

SECTION 15. This act is hereby declared to be a public act, and may be read in evidence in any and all courts of law and equity in the state of Illinois, without proof. This act shall take effect and be in force from and after its passage.

F. CORWIN,

Speaker of the House of Representatives.

J. DOUGHERTY,

Speaker of the Senate.

APPROVED MARCH 13, 1869.

JOHN M. PALMER,

Governor.

United States of America, }
STATE OF ILLINOIS, } SS

OFFICE OF SECRETARY.

I, EDWARD RUMMEL, Secretary of State of Illinois, do hereby certify that the foregoing is a true copy of "An Act to Incorporate the Town of Loda, Tazewell County, Illinois," approved March 13, 1869, now on file in this office. In witness whereof I hereto set my hand and affix the Great Seal of State, at the city of Springfield, this 7th April, A. D. 1869.

EDWARD RUMMEL, Secretary of State.