

No. 14403

# Supreme Court of Illinois

City of Amboy

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vs.

Sleeper

49 78  
STATE OF ILLINOIS,  
SUPREME COURT,  
Third Grand Division

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No. 113

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City of Amliang  
Trs

Super

14403

1863

STATE OF ILLINOIS,  
LEE COUNTY,

} ss.

Plens in the Lee County Circuit Court, in the

22<sup>nd</sup>  
"City of Amboy"

Judicial Circuit of the State of Illinois, in a certain matter wherein

Plaintiff, and

True P. Steper

Defendant - *On an appeal* -

At a regular term of the Lee County Circuit Court, begun and holden at the court house in the city of Dixon, in said Lee county, on the *fourth* Monday (the same being the *24<sup>th</sup>* day of *November* A. D. 1862,) then being present,

Honorable *William W. Houten* Judge  
of the said *22<sup>nd</sup>* Judicial Circuit.

*David M. Cartney* State's Attorney  
for said *22<sup>nd</sup>* Judicial Circuit.

*Benjamin F. Shaw* Clerk  
of said Lee County Circuit Court.

and *Amos L. Porter* Sheriff  
of said Lee County.

BE IT REMEMBERED, that on the *twenty* day of *October* A. D. 1862 (*before Samuel Brown Esq: Police Magistrate for Amboy*) the following proceedings were had in said cause, as appears to us of record, that is to say:

"State of Illinois }  
Lee County } W. E. Ines Mayor of the City of  
Amboy in said County, complains of True P. Steper  
for the violation of an ordinance of said City,  
entitled an ordinance in relation to assaults +  
batteries &c passed June 11<sup>th</sup> 1861 by beating and  
wounding one Edward Mack in said City and  
County, on the 29<sup>th</sup> day of October A. D. 1862.

Made before me by W. E. Ines } W. E. Ines Mayor  
Samuel Brown S. M. } of the City of Amboy.

And thereupon the said Police Magistrate issued his  
warrant in the words following to wit:

*Compt Court before Amos Porter*

"State of Illinois } ss The People of the State of  
Jersey County } Illinois to my constable of said County, Greeting;

(Warrant)

You are hereby commanded to take the body of True Sleeper, and bring him forthwith before me at my office in Amboy, to answer the Complaint of the City of Amboy for a failure to pay said City a certain penalty, not exceeding one hundred dollars, and hereof make due return as the law directs. Given under my hand and seal this 29<sup>th</sup> day of October A D 1862

Samuel Brown } Just  
Justice of the Peace "

and which said Warrant so issued by said Justice was and is endorsed as follows to wit:-

(Return)

"Executed by arresting J. P. Sleeper and bringing him into Court before Samuel Brown J. P. this 29<sup>th</sup> day of October 1862 Arrest 25, mileage 5, = 30-  
G W Bell City Marshall "

And thereupon the following proceedings were had as appears by the Transcript from said Police Justice in said cause to wit:-

(Transcript)

"State of Illinois } ss Justice Court  
Jersey County } Samuel Brown J. P.  
The City of Amboy }  
True "J. Sleeper } For Breach of Ordinance  
of said City, concerning assault & Battery

Brought out -

Justice fees -		October 29 <sup>th</sup> 1862 Warrant issued
Complaint	25	on Complaint of W.C. Inez Mayor of said
Warrant	25	City, executed by C. Bell City Marshal by
Decketing	20	arresting the Defendant, and having him
summing 3 Wits:	15	in Court; defendant pleads ready for trial
Judgment	25	and after hearing the evidence of Mrs Ann
appeals papers	1.50	Monro, Mrs Mary Connors + A D Butler
	2.60	in behalf of the City, the case was
Marshal fees	30	submitted. Defendant found guilty and
3 Wits fees	1.50	fined Seventy five Dollars and costs
Other fees	1.00	October 30 <sup>th</sup> 1862 appealed by defendant
		Total Costs \$5.45

State of Illinois } ss  
 Sen County }

I Samuel Brown of Justice of the Peace in and for said County do hereby certify the above to be an correct transcript of my Docket of the proceedings had before me in the above entitled cause, and herewith inclosed, are all of the papers, belonging in the same. Given under my hand and seal this 30<sup>th</sup> day of October 1862.

Samuel Brown J P S.S.

And thereupon the said Amos P. Sleeper filed an appeal Bond in the words and figures as follows to wit: -

KNOW ALL MEN BY THESE PRESENTS, That we, *Sam J. Sleeper* and

of the county of *See* and *and* in the State of Illinois, are held and firmly bound unto  
*the City of Amboy*  
in the penal sum of *One hundred and Seventy seven + 90/100 Dollars*  
lawful money of the United States, for the payment of which, well and truly to be made, we bind ourselves, our  
heirs, executors and administrators, jointly, severally and firmly by these presents. Witness our hands and seals,  
this *30<sup>th</sup>* day of *October* A. D. 1862

The condition of the above obligation is such, That whereas the said *City of Amboy*

did on the *29<sup>th</sup>* day of *October* A. D. 1862 before  
*Samuel Brown Esq.* a Justice of the Peace for the said county of *See*  
recover a judgment against the above bounden *Sam J. Sleeper*

for the sum of *Seventy* and costs of suit  
from which judgment the said *Sam J. Sleeper*

has taken <sup>an</sup> appeal to the *Circuit* Court of the county of *See* aforesaid  
and State of Illinois. Now, if the said *Sam J. Sleeper*

shall prosecute his appeal with effect, and shall pay whatever judgment may be rendered by the Court upon dis-  
missal or trial of said appeal, then the above obligation to be void; otherwise to remain in full force and effect.

Approved by me at my office, this *30<sup>th</sup>*  
day of *October* 1862

*Samuel Brown*

Justice of the Peace.

*J. J. Sleeper*



*A. B. Seawles*

Appeal Bond

And upon the filing of the Amended, from the  
Justice aforesaid, the said Plaintiff entered his  
written appearance in the words and figures  
as follows to wit:-

"The City of Amboy  
" "*Sam J. Sleeper* appellant } In the *See* County  
Circuit Court of  
the *Nov* Term 1862  
appeal -

The Plaintiff in the above entitled cause hereby  
waives service of process, and enters appearance  
in said cause.

*Jess + Stickler*

Endorsed to wit: "Filed Nov: 14 '1862. By J. Shaw Clerk  
*Joseph Paul D.C.*"

Appearance

And afterwards to wit: on the 26<sup>th</sup> day of  
 November A D 1862 (the same being of the  
 regular days of the said November term) the  
 said Cause being upon the Docket of said Court  
 at said Term, the following proceedings were  
 had thereon as appears to us of Record to wit:-  
 "City of Amberg

Record of the November Term A D 1862

vs  
 J. Sleeper appellant

} appeal

On this day comes  
 the Plaintiff in this suit by Jones & Mackler  
 its attorney, and enters its motion for a rule  
 on the Defendant to file an sufficient appeal  
 Bond, or to dismiss his appeal; and thereupon <sup>comes</sup> the  
 Defendant by Becker his attorney, and enters his cross  
 motion for leave to file an amended appeal Bond  
 which said cross motion is by the Court  
 sustained, and leave to file such amended  
 appeal Bond is by the Court so given -

And now by agreement of parties  
 this case is continued generally "

And afterwards to wit on the 28<sup>th</sup> day of November A. D. 1862, the amended appeal Bond was by the said Defendant filed in said Court, and is in the words and figures as follows to wit:-

*Amended* APPEAL BOND.—Chicago Democrat Print.

" KNOW ALL MEN BY THESE PRESENTS, That we, *True J. Sleeper and Asa B. Sewles* of the county of *See* County in the State of Illinois, are held and firmly bound unto *The City of Amboy* in the penal sum of *One Hundred and Seventy seven \$100 Dollars* lawful money of the United States, for the payment of which, well and truly to be made, we bind ourselves, our heirs, executors and administrators, jointly, severally and firmly by these presents. Witness our hands and seals, this *27<sup>th</sup>* day of *November* A. D. 1862

The condition of the above obligation is such, That whereas the said *City of Amboy* did on the *29<sup>th</sup>* day of *October* A. D. 1862 before *Samuel Brown* a Justice of the Peace for the said county of *See* recover a judgment against the above bounden *True J. Sleeper*

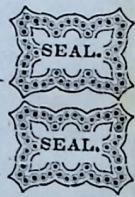
for the sum of *Seventy five* from which judgment the said *True J. Sleeper*

has taken appeal to the *Circuit* Court of the county of *See* and State of Illinois. Now, if the said *True J. Sleeper* aforesaid,

shall prosecute his appeal with effect, and shall pay whatever judgment may be rendered by the Court upon dismissal or trial of said appeal, then the above obligation to be void; otherwise to remain in full force and effect.

Approved by me at my office, this *28<sup>th</sup>* day of *November* 1862  
*Benjamin F. Shaw*  
*Joseph Ball D.C.*  
 Justice of the Peace.

*True J. Sleeper*  
*Asa B. Sewles*



And which said amended Bond is entered in the manner following, to wit:-  
 " Filed Nov 28<sup>th</sup> 1862  
 " Ben J Shaw Clerk  
 " Joseph Ball D.C "



And afterwards on another regular day of the  
said February Term to wit on the 18<sup>th</sup> day of  
February A D 1863, the following proceedings were  
had in said Cause as appears to us of Record to wit:

City of Amboy }  
Amos J. Sleeper appellant } Appeal

Record of February Term A D 1863

On this day appear  
come the said parties to this suit by their respective  
Counsel; also come the jury heretofore empanelled in  
this behalf, and thereupon the trial of this cause  
proceeds; and the said Defendant, now moves the  
Court to rule out as not evidence in this cause  
the ordinances of the City of Amboy, passed by the  
said Plaintiff, as evidence in this cause, which  
said motions by the Court sustained; and the Court  
here does so rule out as not evidence in this cause  
the ordinances of the City of Amboy, passed by the  
said Plaintiff, as evidence herein, and thereupon  
the Court discharged the jury herein from the  
further consideration of this cause; and this cause is  
thereupon dismissed at the Plaintiff's costs. It is considered  
by the Court, that the Defendant, here and recover of the said  
City of Amboy his costs and charges by him in and about this  
suit expended, as well in this Court, as in the Court below  
and that he have execution therefor; and the said Plaintiff  
as to all the said rulings and orders of the Court, therein  
there excepted. And now on the motion of the said Plaintiff  
leave is given to file a Bill of Exceptions herein, within  
thirty days from this date

9 And afterwards on the 20<sup>th</sup> day of February A.D. 1863 the said plaintiff filed his bill of Exceptions in said Court; and which said Bill of Exceptions is in the words and figures following, that is to say:—

Bill of Exceptions  
" State of Illinois }  
Lee County } L.S.

City of Amboy }  
vs } Appeal  
True P. Sleeper }

Be it remembered that on the 17<sup>th</sup> day of February A.D. 1863 the same being one of the regular days of the said February Term A.D. 1863 of the said Lee County Circuit Court—this cause coming on to be heard for trial before a jury empaneled in this cause, who being duly elected tried and sworn well and truly to try the issues joined herein, and ~~thereon~~ the said plaintiff in this cause to maintain the said issues on ~~his~~ part called Edward Mack, who being duly sworn testified as follows, I reside in the city of Amboy, know the defendant True P. Sleeper, I rented a house of Kelling and Arnold said house is situated in the

Bill of Exceptions

city of Amberg, about six rods from Exchange Block, on the next day, after I moved into the house while in the act of placing some chairs in the East room of the house some one struck me do not know who struck me I fell to the floor senseless & remained so for some time, this was on the day ad 1862 in the city of Amberg in the County of Lee.

### Grap Examined!

Bill of exceptions

I first rented the house of defendant Sleeper the day I moved into it some one told me that the house belonged to Reeling & Arnold I went & saw Reeling and Arnold and ~~Arnold~~ they told me that they owned the house & had a tax title to it & if I did not rent of them they would put me out of the house I was a stranger in the place & did not want any trouble & I rented the house of them, this was after I had moved into the house.

The Plaintiff then called Ann Mack who was duly sworn and testified as follows Edward Mack is my husband know the defendant Sleeper on the 28<sup>th</sup> day of October ad 1862 we moved into a house on Main Street in the city of Amberg on the next day after we moved into the house while my husband was in the act of ~~moving~~ some chairs into the East room of the house I

While My Husband

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putting some chairs into the East room of the house I saw the defendant Sleeper raise a hammer & strike my husband, he struck him with a hammer just back of the left Ear my husband fell to the floor senseless I thought he was killed, he never said a word to my husband nor my husband did not say anything to him at the time nor just before he struck him

Crop Examined

I never saw Mr Sleeper until that day, while my husband was in the act of putting some chairs into the East room of the house Sleeper came down the stairs with a hammer in his hand and struck him the door to the east room was not fastened I saw him strike him.

Bill of Exceptions

The Plaintiff then called Mary Hanson who was duly sworn and testified as follows, I saw the defendant Sleeper that same day I heard a noise in the room & went in and saw Mack lying on the floor bleeding I went to Mr Sleeper and took hold of his arms & said to him - My man what did you do it for you have killed the man, he sleeper said to me I went to kill him

The Plaintiff then called R. P. Deadmull who was duly sworn and testified

as follows: I know the house where the transaction occurred it is situated on Lot No 1 in Block 14 in Gilsons Addition to the city of Amboy in the County of Lee

The Plaintiff then offered in evidence a printed book, purporting to be a Book of Ordinances published by authority of the city of Amboy; which book is hereby made a part of this Bill of Exceptions; and as to which it is stipulated by both parties to this suit that it shall be so treated.

Plaintiff also offered in evidence a manuscript book containing a collection of what purported to be Ordinances of said city; and containing the ordinance herein after set forth in the paper attested by the city clerk, hereto attached; which manuscript book, it is also hereby agreed may be used as if made a part of this Bill.

Plaintiff also offered in evidence the following paper purporting to be a certified copy of the proceedings of the City Council of the city of Amboy, at a meeting held June 11<sup>th</sup> 1861, and of the ordinance referred to in the said proceedings

Amboy June 11<sup>th</sup> 1861

Special Met pursuant to adjournment

shall be his Honor the Mayor Alde's Talbot

Bill of Exceptions

Book of Exceptions

shall - His Honor the Mayor Alds Goldman, Sears, Davis, Jnes, A D Butler, C M Butler, & J. B. Little Minutes of Last Meeting read and approved, Committee on Streets and Alleys made verbal report, in regard to petition Jacob Eich and others, on Motion voted that the petitioner have leave to withdraw. Ad Davis chairman of Com. on ordinances presented the following entitled ordinance "An Ordinance relating to assaults and batteries, affrays and unlawful assembles" Passed. On Motion of Ald Goldman voted that an order be drawn by the city clerk on the city treasurer for \$12.50 in favor of E. W. Cummings, Ald Davis presented the following ordinance an ordinance entitled an Ordinance concerning "Liquors" Passed. On Motion of Ald Butler the petition of E. W. Cummings was taken from the table and on Motion of Ald Sears the following resolution was adopted; Resolved that the city council dispense with the collection of licenses upon Billiard tables until the first day of Sept 1851 On Motion of Ald Butler voted that the chairman of Committee on Ordinances prepare an Ordinance to vacate the office of Assessor & Collector and provide for the collection of taxes for the ensuing year

on Motion adjourned

R H (Mullen) Clerk

State of Illinois }  
 Sec County } J. S. J W C Sears Clerk of  
 City of Amboy } the city of Amboy in the  
 County of Sec and State aforesaid do hereby  
 certify that the foregoing transcript is a  
 true and correct copy of the proceedings of  
 the city council of the city of Amboy at  
 a regular meeting of said city council held  
 on the Eleventh day of June AD 1861 at  
 the Council Rooms in said city as appears  
 of Record in the office of the City Clerk of  
 the city of Amboy and I further certify  
 that a quorum was present for the  
 transaction of business at said Meeting  
 of the City Council. Given under my  
 hand and seal of the city of Amboy this 17<sup>th</sup>  
 day of February AD 1863

(W C Sears City Clerk)

[The following is a copy of the one of the  
 Ordinances referred to in the above proceedings]

An Ordinance in Relation to assaults,  
 Assaults and battery, affrays and unlawful  
 assemblies

Sec 1

Be it ordained by the City Council of the  
 city of Amboy that all actions of assault,  
 Assault and Battery and affrays occurring  
 within the limits of the city of Amboy

Roll of Exceptions

shall be brought under the Ordinances of said city and not otherwise.

Sec 2

An Assault is an unlawful attempt, coupled with present ability to commit a violent injury on the person of another and shall subject the offenders to a fine of not less than one and not more than fifty dollars.

Sec 3

An assault and Battery is the unlawful beating of another and shall subject the offender to a fine of not less than three nor more than one hundred dollars.

Sec 4

If two or more persons shall by agreement fight in a public place within the limits of the city of Amherst, the persons so offending shall be deemed guilty of an affray and shall on conviction be severally fined in a sum of not less than ten, nor more than one hundred dollars.

Sec 5

If two or more persons shall assemble together to do an unlawful act, and separate without doing or advancing towards it or shall meet to do an unlawful act, upon common cause of quarrel and make advances towards it, such persons shall be deemed guilty of an unlawful assemblage, and upon conviction thereof be severally fined, in a sum of not less than twenty five, nor more than one hundred dollars.

Bill of Exceptions -

Sec 8

This ordinance to take effect and be in force from and after its passage and publication.

Passed June 11<sup>th</sup> 1861. W. E. Fries, Mayor  
Attest, R. H. Mellow, Clerk

State of Illinois }  
Sec County } ss. J. W. C. Sears Clerk of the  
City of Amboy } City of Amboy in the County  
of Sec and State of Illinois do hereby certify  
that the foregoing is a true & correct copy  
of an ordinance passed by the City Council  
of the city of Amboy on the Eleventh day  
of June AD 1861 as appears of record in the  
office of the city clerk of the said city of Amboy  
and I further certify that the said foregoing  
copy of an ordinance passed as aforesaid is  
one of the same ordinance referred to in the  
proceedings of the Meeting of the city council  
of the city of Amboy held on the 11<sup>th</sup> day of  
June 1861. "Entitled an ordinance relating to  
Assaults and battery, affrays and unlawful  
assemblies" certified to by me above, as appears  
from the records and files in the office of the  
city clerk of the city of Amboy and I further  
certify that said ordinance was published in  
the Amboy Times, a weekly newspaper  
published in the said city of Amboy within  
thirty days from and after its passage -  
which also appears by the records & files

Bill of Exceptions

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in the clerk's office of the said city of Amboy  
 In testimony whereof I have hereunto set  
 my hand and affixed the seal of said city  
 of Amboy this 17<sup>th</sup> day of February A.D. 1853  
 Seal of } W. C. Sears, City Clerk  
 City }

Bill of Exceptions

The Plaintiff then called Horace  
 G. Pratt who was duly sworn and testified  
 as follows: I was one of the Publishers  
 of the Amboy Times a weekly newspaper  
 published in the city of Amboy, I was  
 such publisher in June 1851, the ordinance  
 entitled "an ordinance in relation to as-  
 saults, assaults, Battery affrays and unlawful  
 assemblies" of the city of Amboy was duly  
 published in the Amboy Times on the 20<sup>th</sup>  
 day of June 1851 that the copy of said ordi-  
 nance here offered in evidence is the same  
 as the ordinance published by me in my  
 paper; and the same was published in  
~~one~~ one week's ~~only~~ issue only.

The Plaintiff then by his counsel moved  
 the court to admit the ordinance as evi-  
 dence to the jury, the court sustained  
 the motion and the evidence was read to  
 the jury

The defendant then called Joseph

Ball, who was duly sworn and testified as follows: I am the deputy Clerk of the circuit Court in and for the County of Lee, at the last term of this Court an indictment was found by the grand jury of this County against the defendant True P. Sleeper for an assault upon the person of Edward Mack, with intent to kill, the venue in said case was changed to Whiteside County.

Bill of exceptions

It was then admitted by Plaintiff that said case was still pending in Whiteside County and that the assault for which the defendant, was charged with committing in violation of the ordinance of the City of Amboy is the same assault for which the said indictment was found by said Grand Jury.

The foregoing was all the evidence offered and given in said case upon the trial thereof.

The defendant then asked the Court to exclude the ordinance of the City of Amboy from the consideration of juries on the ground that the City of Amboy had no authority by virtue of its charter to pass the ordinance,

The Court thereupon sustained the Motion of defendant and Excluded the ordinance of the city of Amherst from the consideration of the Jury and dismissed the suit. To the sustaining of which Motion by the Court, and the dismissing of the suit, the plaintiff by their Council then and there excepted and thereupon the Court entered judgment against the said plaintiff for costs of suit - And ordered, <sup>the</sup> said plaintiff to have his bill of exceptions signed and sealed and filed in Twenty days from that date. And inasmuch as the matters aforesaid <sup>to the</sup> exceptions aforesaid do not otherwise appear of Record the plaintiff asks that this his bill of Exceptions may be signed and sealed by this Honorable Court, in pursuance of the Statute in such case made and provided. And may be made a part of the record in said cause which is hereby done accordingly.

Bill of Exceptions

W. W. Heaton  
Judge

Endorsed to wit: "Filed Feb: 28<sup>th</sup> 1863

Benj. F. Shaw Clerk

J. W. Ball D. S.

Certificate

State of Illinois }  
Lee County, } ss

I, Benjamin F. Shaw Clerk of the Circuit Court in and for said County in the State aforesaid do hereby certify that the foregoing is a full true and complete exemplification of all the proceedings of Record in said cause, as yet appears from the Records & files in my office

In witness whereof I hereunto set my hand and the Seal of said Court at Dixon this 11<sup>th</sup> day of March A.D. 1863  
Benj: F. Shaw Clerk  
Joseph Dull D.C.



Costs -

Clerks fees in said cause on Plffs Costs	\$ 13.00
Clerks fees in said cause on Defds Costs	6.25
Sheriffs fees u u u u u u	1.10
u u u u u u Plffs u	3.40
Judges u u u u u u	1.00
Witnesses u u u u u u Plffs u	13.00
u u u u u u Defds u	8.40
Costs in Justice Court as per Transcript	5.41
	<u>\$ 51.56</u>

The above is a correct statement of the costs in said Lee County Circuit Court in said cause  
Benj: F. Shaw Clerk  
Joseph Dull D.C.

James P. Steyer

Plaintiff in error

City of Amboy

Defendant in error

Record found see

Filed Oct. 19. 1863  
J. H. L. Clerk

Assignment of Errors

The Court erred in excluding the ordinances of the City of Amboy from the consideration of the jury on the ground that the City of Amboy had no authority by virtue of its Charter to pass the ordinances

The Court erred in dismissing the suit.

The court erred in entering judgment against the Plaintiff for costs.

The Court erred in taking the case from the consideration of the jury.

The Court erred in excluding the ordinance from the consideration of the jury and dismissing the suit.

W. E. Lues Atty for  
Plt in error

There is no error in this record  
1<sup>st</sup> Error  
2<sup>nd</sup> Error  
3<sup>rd</sup> Error  
4<sup>th</sup> Error  
5<sup>th</sup> Error

STATE OF ILLINOIS,  
SUPREME COURT

} ss. The People of the State of Illinois,

To the Sheriff of Lee County, GREETING:

Because, In the record and proceedings, and also in the rendition of the judgments of a plea which was in the Circuit Court of Lee County, before the judge thereof, between

City of Amboy

plaintiff, and

True P. Sleeper

defendant, it is said that manifest error hath intervened, to the injury of the said City of Amboy

as we are informed by her ~~complaints~~ the record and proceedings of which said judgments we have caused to be brought into our Supreme Court of the State of Illinois, at Ottawa, before the justices thereof, to correct the errors in the same, in due form and manner, according to law: Therefore, We Command You, That by good and lawful men of your County, you give notice to the said

True P. Sleeper

that he be and appear before the Justices of our said Supreme Court, at the next term of said Court, to be holden at Ottawa, in said State, on the first Tuesday after the third Monday in April next, to hear the record and proceedings aforesaid, and the errors assigned, if he shall see fit; and further to do and receive what said Court shall order in this behalf; and have you then there the names of those by whom you shall give the said

True P. Sleeper

notice, together with this writ.

Witness, The Hon. John D. Caton, Chief Justice of our said Court, and the Seal thereof, at Ottawa, this 19<sup>th</sup> day of March in the year of our Lord One Thousand Eight Hundred and Sixty-Three.

S. Seland  
Clerk of the Supreme Court.



City of Albany

No. vs. June P. Sleeper

SCIRE FACIAS.

Filed April 21<sup>st</sup> 1863 A. D. 1863

J. L. Lewis Clerk.

Served the within By reading the same in the presence and hearing of Jun P Sleeper this 27<sup>th</sup> day of March 1863

fee paid By Plaintiff  
 fees deeny 50  
 travel 60  
 returning 10  
 120

C. H. Lynn Sheriff  
 By R. P. Deedwell  
 Deputy



STATE OF ILLINOIS, SUPREME COURT.

THIRD GRAND DIVISION.

APRIL TERM, 1863.

CROSS EXAMINED  
on the day I mov  
owned the house

} Error to Lee.

ABSTRACT OF THE RECORD.

*Page of Rec.* This was an action of debt, brought by the City of Amboy, against Sleeper, for the violation of an ordinance of the city.

- 1 Complaint to the Police Magistrate by the Mayor.
- 2 Summons issued by the Police Magistrate, and returned duly served by the City Marshal.
- 3 Defendant fined seventy-five dollars and costs; appeal allowed. Transcript of Police Magistrate.
- 4 Appeal Bond and filing of transcript in Circuit Court.
- 5 Rule to file an amended appeal bond.
- 6 Amended appeal bond.
- 7 Proceedings in circuit court. Jury called and sworn.
- 8 On motion of defendant, court ruled out as not evidence the ordinances of the city, and discharged the jury from the further consideration of the case, and dismissed the suit at plaintiff's costs. To all of which ruling and orders of the court, the plaintiff then and there excepted; leave given to file bill of exceptions within thirty days.
- 9 Bill of exceptions.
- 10 Plaintiff called Edward Mack, who being duly sworn, testified as follows: I reside in the city of Amboy, know the defendant Sleeper. I rented the house of Keeling and Arnold; said house is situate in the city of Amboy, about six rods from Exchange

*Page of Rec.*

Block. On the next day after I moved into the house ; while in the act of placing some chairs in the east room of the house, some one struck me ; do not know who struck me ; I fell to the floor senseless and remained so for some time.

Cross examined. I first rented the house of defendant, Sleeper. The day I moved into it, some one told me that the house belonged to Keeling and Arnold, and they told me that they owned the house, and had a tax title to it, and if I did not rent of them they would put me out of the house. I was a stranger in the place, and did not want any trouble, and I rented the house of them—this was after I had moved into the house.

The plaintiff then called Ann Mack, who was duly sworn, and testified as follows: Edward Mack is my husband ; know the defendant Sleeper. On the 28th day of October, 1862, we moved into a house on Main street in the city of Amboy. On the next day after we moved into the house, while my husband was in the act of putting some chairs into the east room of the house, I saw the defendant Sleeper raise a hammer, and strike my husband ; he struck him with a hammer just back of the left ear ; my husband fell to the floor senseless ; I thought he was killed ; he never said a word to my husband, nor my husband did not say a anything to him at the time, nor just before he struck him.

Cross examined.

I never saw Mr. Sleeper until that day.

12 R. P. Treadwell, a witness, testified that the house where the transaction occurred, was in the city of Amboy.

The plaintiff then offered in evidence a printed Book, purporting to be a Book of Ordinances, published by authority of the city of Amboy, which book is hereby made a part of the bill of exceptions, and as to which it is stipulated by both parties to this suit, that it shall be so treated.

Plaintiff also offered in evidence, a Manuscript book containing a collection of what purported to be Ordinances of said city, and containing the ordinances hereinafter set forth in the

Page of Rec.

paper attested by the city Clerk, hereunto attached, which manuscript book it is also agreed may be used as if made a part of this bill.

Plaintiff also offered in evidence, the following paper purporting to be a certified copy of the proceedings of the city Council, of the city of Amboy, at a meeting held June 11th 1861, and of the ordinance referred to in the said proceedings.

13 (Here follows the proceedings of the city Council in full at  
14 said meeting, and the certificate of the city Clerk under the seal  
of the city, and the ordinance of the city of Amboy in full which  
15 is also certified to by the city Clerk under the seal of the city.)  
16

17 The plaintiff then calls H. G. Pratt, who was duly sworn, and testified as follows: I was one of the publishers of the "Amboy Times," a weekly newspaper published in the city of Amboy.— I was such publisher in June, 1861; the ordinance entitled an Ordinance relative to assaults and batteries, affrays and unlawful assemblages of the city of Amboy, was duly published in the "Amboy Times" on the 20th day of June, 1861; that the copy of said ordinance here offered in evidence is the same as the ordinance published by me in my paper, and the same was published in one week's issue only.

The ordinance was then by the permission of the court, read as evidence to the jury.

The plaintiff here rested his case.

18 The defendant then called Joseph Ball, who testified as follows: I am the deputy Clerk of the Circuit Court of Lee County—at the last term of this court, an indictment was found against the defendant Sleeper, for an assault upon the person of Edward Mack, with intent to kill. It was admitted by the plaintiff, that said indictment was still pending in the Whiteside circuit court, and that the assault for which the defendant was charged with committing in violation of the ordinances of the city of Amboy, is the same assault for which the indictment was found.

(The bill of exceptions contained all the evidence given in

Page of Rec.

the case, and this abstract contains all the evidence having any bearing on any question raised in this court.)

The defendant then asked the court to exclude the ordinance from the consideration of the jury, on the ground that the city of Amboy had no authority by virtue of its charter to pass the ordinance.

- 19 The court sustained defendant's motion, and excluded the ordinance from the consideration of the jury, and dismissed the suit, to the sustaining of which motion and the dismissing of the suit, plaintiff excepted and filed his bill of exceptions on the 20th day of February, 1863.
- 20 Certificate of clerk to the record.

#### ASSIGNMENT OF ERRORS.

- 1st The court erred in excluding the ordinance of the city of Amboy from the consideration of the jury, on the ground that the city of Amboy had no authority by virtue of its charter to pass the ordinance.
- 2d The court erred in dismissing the suit.
- 3d The court erred in entering judgment against plaintiff for costs.
- 4th The court erred in taking the case from the consideration of the jury.
- 5th The court erred in excluding the ordinance from the consideration of the jury, and dismissing the suit.

#### BRIEF OF POINTS & AUTHORITIES.

The Ordinance of the city of Amboy, under which this suit was brought, was considered by the circuit court as legally proven, and by direction of the court read to the jury.

The only question in this case is; had the city of Amboy the authority by virtue of its charter to pass an ordinance punishing assaults and batteries, and breaches of the peace, within the city limits.

Sec. 36. Article 5 of the City Charter, provides that the city shall have power and authority "to regulate the Police of the city to impose fines" &c.

The word "Police" has three significations.

The first relates to the measures which are adopted to keep order etc; and the 3d comprehends the laws and ordinances of a city. 2 Vol. Bov's. Dic. page 348.

W. E. IVES, Att'y  
for Pl'tf in Error.

47 173  
City of Ambury  
as  
T. P. Sleeper

Filed April 22  
1863

L. L. Coe d. M.

City of Amboy }  
vs }  
True & Sleeper }

This is an action  
of Assault & Battery, brought under  
the Ordinances of the City. The  
Only question, presented by the  
Record, is: Has the City the  
right, by virtue of its Charter  
to pass an Ordinance, punishing  
Assaults & Batteries committed  
within its limits.

As the Court will see  
by the Record & Bill of, & Captions  
the Ordinance was proved to the  
Satisfaction of the Circuit Court  
and read to the Jury, and we  
apprehend that no Question can  
be raised in this Court of the  
insufficiency of proof of the  
Ordinance (Should any have  
extrusted) before the Circuit Court.

Should this Court think  
proper however to examine the  
question of proof of the Ordinance  
we would refer the Court to Sec  
41 of Article 5 of the Charter  
now on file in this Case, also to

the Ordinance on page 14015 of  
the Record & to the Ordinance  
as published by the Authority  
of the City of Albany in ~~form~~  
Pamphlet form. Page 5- of  
Massachusetts Ordinance - (in the  
lock part of the book) - which  
Pamphlet is now on file with  
the papers in this case.

We think the records & bill of  
exceptions show, three separate  
and distinct class of proof of  
the Ordinance in question  
either of which was sufficient  
to authorize the Court to admit  
the Ordinance in Evidence  
to the Jury

1<sup>st</sup> We offered the Ordinance  
as published in pamphlet  
form. See Sec. 41 Article 3-  
of the City Charter.

2<sup>d</sup> We proved the Ordinance &  
Publication, of the same by  
the Editor of the paper who  
published it.

3<sup>d</sup> We proved the Ordinance  
by the seal of Certificate of the  
City Clerk under the seal of the  
City as the bill of exceptions shows

either of which we think was sufficient. The Circuit Court thought all taken together were sufficient. And admitted the Ordinance in evidence,

The Court afterwards excluded the Ordinance from the consideration of the jury on the ground, that the City by its Charter had no power or authority to pass the Ordinance

The only power contained in the Charter that we have been able to discover is contained in Sec. 36 Article 5 and is as follows. "To regulate the police of the City &c" The Circuit Court held that, that only gave the City the right to regulate the police men of the City, to that it did not give the City power to pass Ordinances to punish for assaults & breaches of the peace of any description. We think this Court will have no difficulty in deciding this question & will only refer the Court to the definition of the word police as given by

Bowling 2 Vol page 348.

We will add however that we have examined a large number of City Charters of this State, as well as other States and find that they all so far as we have examined contain the same clause - ~~For~~ or power that the Amboy Charter contains.

No objections were taken in the Court below to the form of the Ordinance, But the Court held that the City of Amboy had no power under its Charter to pass any Ordinance prohibiting the breach of the peace or assaults

W. E. Lues  
Atty for Petts

47 113

City of Amboy  
vs  
True P. Sleeper

Plaintiffs  
Argument

Filed May 5. 1868  
Island  
Ch.

SUPREME COURT OF ILLINOIS:

Third Grand Division---April Term, 1863.

CITY OF AMBOY,  
vs.  
TRUE P. SLEEPER.)

POINTS FOR DEFENDANT IN ERROR.

This action was instituted by the City of Amboy, against the defendant in error, for an alleged violation of one of the city ordinances, relating to assaults and affrays.

The only source from which it is claimed that the common council derived the authority to pass the ordinance, under which the defendant was tried, was the 36th sec. of the City Charter, Act 5, which provides that the common council shall have power and authority "to regulate the *police* of the city—to impose fines, forfeitures and penalties, for the breach of any ordinance."

This, we contend, does not confer the power to make laws defining the character of offences against the public peace, nor the measure of their punishment. The statutes of the State have declared what shall constitute an assault or an affray, and how the offence, when proven to have been committed, shall be punished; and there is no sound reason why those statutes should not uniformly prevail. Although, in some senses, the word police may be held to embrace the regulations for the preservation of the public peace; at the same time, there is nothing in the present case which should warrant any extension of its application, beyond its usual and ordinary meaning. In no case should the right to enact laws

defining offences and affixing a punishment, be held to exist in any municipal corporation, unless some imperative reason be shown requiring it. The neglect to regulate the police of the city, does not involve the neglect to enact laws by which offences shall be defined, and particularly so where both the statutes and the common law reach the difficulty. As well might it be said that the common council of the city of Amboy would have the power, under this provision of their charter, to define and punish larceny, as assaults and affrays. All the power which the charter was intended to confer upon them, even giving to the word police its broadest meaning, was not to *make* the laws by which peace and good order, the protection of life and property, were to be secured, but simply to *regulate* them—that is, to take measures to enforce them. Not to enact *new* laws, but to enforce those already in existence, general in their character, uniform in their operation, and entirely adequate to meet all such emergencies.

The power to enact laws of such a character is quite too dangerous an one to be vested in a municipal corporation by new construction and implication. There is no good reason why the assault and battery should be punished differently in the little city of Amboy, than if committed in a village not blessed with a mayor and common council; and in this, and in all cases of a similar character, the ends of justice can quite as well be secured—the public peace quite as well protected and private rights quite as well granted—under these statutes, as by an appeal to the legislative wisdom of a common council. The enactment of such laws is a dangerous assumption of authority, and should not be permitted.

Having, as we claim, no right to pass such an ordinance, the court did right in rejecting it altogether; and whether it was properly or improperly proved, can make no difference. The law under which the defendant in error was tried, was a mere nullity, and the court below properly disregarded it.

E. A. STORRS AND JOHN V. EUSTACE,  
*For Defendant in Error.*

113

Cely Amberg

Miss Sleepers

Deft Points

Filed May 30.  
1863

J. L. Leno  
clerk

STATE OF ILLINOIS, SUPREME COURT.

THIRD GRAND DIVISION.

APRIL TERM, 1863.

CITY OF AMBOY }  
vs. TRUE P. SLEEPER. } *Error to Lee.*

ABSTRACT OF THE RECORD.

*Page of Rec.* This was an action of debt, brought by the City of Amboy, against Sleeper, for the violation of an ordinance of the city.

- 1 Complaint to the Police Magistrate by the Mayor.
- 2 Summons issued by the Police Magistrate, and returned duly served by the City Marshal.
- 3 Defendant fined seventy-five dollars and costs; appeal allowed. Transcript of Police Magistrate.
- 4 Appeal Bond and filing of transcript in Circuit Court.
- 5 Rule to file an amended appeal bond.
- 6 Amended appeal bond.
- 7 Proceedings in circuit court. Jury called and sworn.
- 8 On motion of defendant, court ruled out as not evidence the ordinances of the city, and discharged the jury from the further consideration of the case, and dismissed the suit at plaintiff's costs. To all of which ruling and orders of the court, the plaintiff then and there excepted; leave given to file bill of exceptions within thirty days.
- 9 Bill of exceptions.
- 10 Plaintiff called Edward Mack, who being duly sworn, testified as follows: I reside in the city of Amboy, know the defendant Sleeper. I rented the house of Keeling and Arnold; said house is situate in the city of Amboy, about six rods from Exchange

*Page of Rec.*

Block. On the next day after I moved into the house ; while in the act of placing some chairs in the east room of the house, some one struck me ; do not know who struck me ; I fell to the floor senseless and remained so for some time.

Cross examined. I first rented the house of defendant, Sleeper. The day I moved into it, some one told me that the house belonged to Keeling and Arnold, and they told me that they owned the house, and had a tax title to it, and if I did not rent of them they would put me out of the house. I was a stranger in the place, and did not want any trouble, and I rented the house of them—this was after I had moved into the house.

The plaintiff then called Ann Mack, who was duly sworn, and testified as follows: Edward Mack is my husband ; know the defendant Sleeper. On the 28th day of October, 1862, we moved into a house on Main street in the city of Amboy. On the next day after we moved into the house, while my husband was in the act of putting some chairs into the east room of the house, I saw the defendant Sleeper raise a hammer, and strike my husband ; he struck him with a hammer just back of the left ear ; my husband fell to the floor senseless ; I thought he was killed ; he never said a word to my husband, nor my husband did not say a anything to him at the time, nor just before he struck him.

Cross examined.

I never saw Mr. Sleeper until that day.

12 R. P. Treadwell, a witness, testified that the house where the transaction occurred, was in the city of Amboy.

The plaintiff then offered in evidence a printed Book, purporting to be a Book of Ordinances, published by authority of the city of Amboy, which book is hereby made a part of the bill of exceptions, and as to which it is stipulated by both parties to this suit, that it shall be so treated.

Plaintiff also offered in evidence, a Manuscript book containing a collection of what purported to be Ordinances of said city, and containing the ordinances hereinafter set forth in the

Page of Rec.

paper attested by the city Clerk, hereunto attached, which manuscript book it is also agreed may be used as if made a part of this bill.

Plaintiff also offered in evidence, the following paper purporting to be a certified copy of the proceedings of the city Council, of the city of Amboy, at a meeting held June 11th 1861, and of the ordinance referred to in the said proceedings.

13 (Here follows the proceedings of the city Council in full at  
14 said meeting, and the certificate of the city Clerk under the seal  
of the city, and the ordinance of the city of Amboy in full which  
15 is also certified to by the city Clerk under the seal of the city.)  
16

17 The plaintiff then calls H. G. Pratt, who was duly sworn, and testified as follows: I was one of the publishers of the "Amboy Times," a weekly newspaper published in the city of Amboy.— I was such publisher in June, 1861; the ordinance entitled an Ordinance relative to assaults and batteries, affrays and unlawful assemblages of the city of Amboy, was duly published in the "Amboy Times" on the 20th day of June, 1861; that the copy of said ordinance here offered in evidence is the same as the ordinance published by me in my paper, and the same was published in one week's issue only.

The ordinance was then by the permission of the court, read as evidence to the jury.

The plaintiff here rested his case.

18 The defendant then called Joseph Ball, who testified as follows: I am the deputy Clerk of the Circuit Court of Lee County—at the last term of this court, an indictment was found against the defendant Sleeper, for an assault upon the person of Edward Mack, with intent to kill. It was admitted by the plaintiff, that said indictment was still pending in the Whiteside circuit court, and that the assault for which the defendant was charged with committing in violation of the ordinances of the city of Amboy, is the same assault for which the indictment was found.

(The bill of exceptions contained all the evidence given in

Page of Rec.

the case, and this abstract contains all the evidence having any bearing on any question raised in this court.)

The defendant then asked the court to exclude the ordinance from the consideration of the jury, on the ground that the city of Amboy had no authority by virtue of its charter to pass the ordinance.

- 19 The court sustained defendant's motion, and excluded the ordinance from the consideration of the jury, and dismissed the suit, to the sustaining of which motion and the dismissing of the suit, plaintiff excepted and filed his bill of exceptions on the 20th day of February, 1863.
- 20 Certificate of clerk to the record.

#### ASSIGNMENT OF ERRORS.

- 1st The court erred in excluding the ordinance of the city of Amboy from the consideration of the jury, on the ground that the city of Amboy had no authority by virtue of its charter to pass the ordinance.
- 2d The court erred in dismissing the suit.
- 3d The court erred in entering judgment against plaintiff for costs.
- 4th The court erred in taking the case from the consideration of the jury.
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The first relates to the measures which are adopted to keep order etc; and the 3d comprehends the laws and ordinances of a city. 2 Vol. Bov's. Dic. page 348.

W. E. IVES, Att'y  
for Pl'tf in Error.

47

113

City of Amherst

T. P. <sup>us</sup> Sleeper

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Filed April 2 1863

J. L. Lued. clk

# SUPREME COURT OF ILLINOIS:

Third Grand Division---April Term, 1863.

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CITY OF AMBOY,

vs.

TRUE P. SLEEPER.)

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## POINTS FOR DEFENDANT IN ERROR.

This action was instituted by the City of Amboy, against the defendant in error, for an alleged violation of one of the city ordinances, relating to assaults and affrays.

The only source from which it is claimed that the common council derived the authority to pass the ordinance, under which the defendant was tried, was the 36th sec. of the City Charter, Act 5, which provides that the common council shall have power and authority "to regulate the *police* of the city—to impose fines, forfeitures and penalties, for the breach of any ordinance."

This, we contend, does not confer the power to make laws defining the character of offences against the public peace, nor the measure of their punishment. The statutes of the State have declared what shall constitute an assault or an affray, and how the offence, when proven to have been committed, shall be punished; and there is no sound reason why those statutes should not uniformly prevail. Although, in some senses, the word *police* may be held to embrace the regulations for the preservation of the public peace; at the same time, there is nothing in the present case which should warrant any extension of its application, beyond its usual and ordinary meaning. In no case should the right to enact laws

defining offences and affixing a punishment, be held to exist in any municipal corporation, unless some imperative reason be shown requiring it. The neglect to regulate the police of the city, does not involve the neglect to enact laws by which offences shall be defined, and particularly so where both the statutes and the common law reach the difficulty. As well might it be said that the common council of the city of Amboy would have the power, under this provision of their charter, to define and punish larceny, as assaults and affrays. All the power which the charter was intended to confer upon them, even giving to the word police its broadest meaning, was not to *make* the laws by which peace and good order, the protection of life and property, were to be secured, but simply to *regulate* them—that is, to take measures to enforce them. Not to enact *new* laws, but to enforce those already in existence, general in their character, uniform in their operation, and entirely adequate to meet all such emergencies.

The power to enact laws of such a character is quite too dangerous an one to be vested in a municipal corporation by new construction and implication. There is no good reason why the assault and battery should be punished differently in the little city of Amboy, than if committed in a village not blessed with a mayor and common council; and in this, and in all cases of a similar character, the ends of justice can quite as well be secured—the public peace quite as well protected and private rights quite as well granted—under these statutes, as by an appeal to the legislative wisdom of a common council. The enactment of such laws is a dangerous assumption of authority, and should not be permitted.

Having, as we claim, no right to pass such an ordinance, the court did right in rejecting it altogether; and whether it was properly or improperly proved, can make no difference. The law under which the defendant in error was tried, was a mere nullity, and the court below properly disregarded it.

E. A. STORRS AND JOHN V. EUSTACE,  
*For Defendant in Error.*

113

City of Amboy

vs

Slooper

Deft. Poind-

Given May 30, 1863

J. L. Linn

MR

# SUPREME COURT OF ILLINOIS:

Third Grand Division---April Term, 1863.

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CITY OF AMBOY, )  
vs. )  
TRUE P. SLEEPER.)

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E. A. STORRS AND JOHN V. EUSTACE,  
*For Defendant in Error.*

113

City of Albany

vs

Sleeper

Deft. Poind

Filed May 13. 1861

L. L. L. L.  
eM

Amboy Le County Ills  
Mr DeLand Esq

Dear Sir  
I herewith hand you Record in the  
Case of City of Amboy vs Time P. Sleeps  
please send out of Error me by mail  
as soon as convenient & I will see that  
it is secured.

Yours Truly

W. E. Jones

P.S. I send you \$11.00 dollars should that  
amount be insufficient please let me  
know by return mail. W. E. Jones

TUE

# Charter and Ordinances

OF THE

CITY OF AMBOY.

ORDINANCES PASSED SINCE THE ADOPTION OF CITY CHARTER,  
MARCH 2, 1857, AND NOW IN FORCE.

COLLECTED, ARRANGED, AND PUBLISHED BY ORDER OF

The City Council.

AMBOY:  
PRINTED AT THE AMBOY TIMES OFFICE.

1858.

THE  
CITY COUNCIL OF THE CITY OF AMBOY  
THE CHARTER AND ORDINANCES

OF THE  
CITY OF AMBOY.

ORDINANCES PASSED SINCE THE ADOPTION OF CITY CHARTER,  
MARCH 2, 1857, AND NOW IN FORCE.

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COLLECTED, ARRANGED, AND PUBLISHED BY ORDER OF

*The City Council.*

---

AMBOY:  
PRINTED AT THE AMBOY TIMES OFFICE.

1858.

CITY COUNCIL OF THE CITY OF AMBOY,  
FOR THE MUNICIPAL YEAR 1857.

MAYOR.

JOHN B. WYMAN.

ALDERMEN.

FIRST WARD.  
E. S. REYNOLDS,  
S. S. STEDMAN.

SECOND WARD.  
F. B. LITTLE,  
J. R. STEVENS.

THIRD WARD.  
J. M. DAVIS  
J. A. JACKSON,  
A. KINYON.\*

STANDING COMMITTEES.

*On Ordinances*—J. A. Jackson,† F. B. Little, and S. S. Stedman.

*On Finance and Claims*—F. B. Little, J. M. Davis, and J. R. Stevens.

*On Streets and Alleys*—S. S. Stedman, E. S. Reynolds, and J. M. Davis.

*On Licenses*—J. M. Davis, F. B. Little, and E. S. Reynolds.

*On Fire Department*—J. R. Stevens, J. A. Jackson,‡ and E. S. Reynolds.

GENERAL CITY OFFICERS.

Clerk—D. T. WOOD,	Marshal—O. D. REED,
Treasurer—E. LITTLE, §	Street Com.—J. F. POWERS.
Assessor—A. E. WILCOX,	Attorney—W. E. IVES,
Collector—W. B. ANDRUSS,	Surveyor—A. POND,
Pound Master—R. BELL.	

JUDICIARY.

POLICE JUSTICE OF THE PEACE.

B. W. WYLIE.

\* Elected to fill vacancy occasioned by J. A. Jackson's seat being declared vacated.

† A. Kinyon appointed on J. A. Jackson's seat being vacated.

‡ J. A. Jackson " " D. T. Wood's " " "

§ H. P. Walker " " E. Little's " " "

|| L. E. Hopkins " " R. Bell's " " "

CITY COUNCIL OF THE CITY OF AMBOY,  
FOR THE MUNICIPAL YEAR 1858.

---

MAYOR.

JOHN R. STEVENS.

ALDERMEN.

FIRST WARD.

E. S. REYNOLDS,  
S. GOLDMAN,

SECOND WARD.

F. B. LITTLE,  
E. P. NOYES,

THIRD WARD.

J. M. DAVIS,  
C. G. FINNEY.

---

STANDING COMMITTEES.

- On Ordinances*—E. P. Noyes, C. G. Finney, and F. B. Little.  
*On Streets and Alleys*—J. M. Davis, S. Goldman, and E. S. Reynolds.  
*On Finance and Claims*—F. B. Little, J. M. Davis, and E. S. Reynolds.  
*On Licenses*—E. S. Reynolds, F. B. Little, and J. M. Davis.  
*On Fire Department*—C. G. Finney, S. Goldman, and E. P. Noyes.

## GENERAL CITY OFFICERS.

---

Clerk—W. B. ANDRUSS,	Marshal—GEORGE KEIFER,
Treasurer—J. LITTLE,	Street Com.—J. F. POWERS,
Assessor—CYRUS BRIDGEMAN,	Attorney—W. E. IVES,
Collector—W. B. ANDRUSS,	Surveyor—E. J. IVES,
Pound Master—I. EDWARDS.	

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## JUDICIARY.

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POLICE JUSTICE OF THE PEACE.

B. W. WYLIE.

IN CITY COUNCIL, DECEMBER 1, 1858.

ORDERED, That the Mayor appoint a committee of three to make a compilation of the ordinances of the city, which have been passed by the city council of the city of Amboy since the adoption of the city charter, March 2, 1857, and are now in force, and to have the same printed and published in pamphlet form, and made to correspond, as near as may be, with the present volume of ordinances.

Passed December 1, 1857.

STATE OF ILLINOIS, }  
City of Amboy, } ss.

I, W. B. Andruss, Clerk of the city of Amboy aforesaid, do hereby certify that the foregoing is a true transcript of an order in relation to the compilation of the ordinances of the city, passed by the city council of the city of Amboy, on the first day of December, 1857.

[SEAL.] WITNESS my hand and the corporate seal of said city, this 14th day of April, 1858.  
W. B. ANDRUSS, *City Clerk.*

CHARTER  
OF THE  
CITY OF AMBOY.

# CHARTER OF THE CITY OF AMBOY.

---

AN ACT TO INCORPORATE THE CITY OF AMBOY.

---

## ARTICLE I.

### OF BOUNDARIES:

*Be it enacted by the people of the State of Illinois, represented in the General Assembly :*

SECTION 1. That the inhabitants of the incorporation of Amboy, in Lee county, be and they hereby are constituted a body politic, and corporate by the name and style of the City of Amboy, and by that name shall have perpetual succession, may sue and be sued, plead and be impleaded in all courts of law and equity, and may have and use a common seal and alter the same at pleasure.

§ 2. All that territory embraced in the following limits, to wit: The south half of section fifteen and the north half of section twenty-two, in township twenty, north of range ten, east of the fourth principal meridian; also that part of section twenty-three, which embraces Arnold's addition, shall be and the same is hereby declared to be within the limits of the city of Amboy.

§ 3. Whenever any tract of land adjoining the city of Amboy shall be 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 Amboy; and all parcels of land within the aforesaid boundaries, and beyond the boundaries of the present corporation as extended that exceeds in extent one acre, shall be exempt from taxation for city revenue until the same shall be subdivided into lots of one acre, or less; and each lot, when so divided, shall be taxed as other city lots.

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

## ARTICLE II.

### OF THE CITY COUNCIL.

§ 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, and until others shall be legally qualified.

§ 3. No person shall be an alderman unless at the time of his election he shall be a freeholder in said city, and shall have resided within the limits of the city one year immediately preceding his election, and shall have the requisite qualifications to vote for State officers, be a resident of the ward for which he is elected, 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 ceases to be a freeholder in said city, his office shall be declared vacated. The mayor and aldermen shall serve without compensation from the city funds until there shall be five thousand inhabitants in said city; and when the population shall exceed five thousand, the mayor shall receive such compensation as the city council shall determine—not to exceed two hundred dollars per annum.

§ 5. At the first meeting of the city council, the aldermen shall be divided by lots into two classes; the seats 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 qualification, elections and returns of their own members, and shall determine all contested elections under this act.

§ 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 rules of its own proceedings, punish its members for disorderly conduct, and with the concurrence 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 upon the journal.

§ 10. No alderman shall be appointed to any office under the authority of the city that shall have been created, or the emoluments of which shall have been increased, during the time for which he shall have been elected; nor shall he be engaged in any contract with said corporation while serving as such alderman.

§ 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, or make affirmation, that they will support the Constitution of the United States and of this State, and that they will well and truly perform the duties of their office to the best of their skill and ability.

§ 13. Whenever there shall be a tie in an election of aldermen, the judges of election shall certify the fact 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 the city council.

### ARTICLE III.

#### OF THE CHIEF EXECUTIVE OFFICER.

§ 1. The chief executive officer of the city shall be a mayor, who shall be elected by the qualified voters of the city, and 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, and a freeholder.

§ 3. If any mayor, during the time for which he shall have been elected, removes from the city, or shall be absent from the city for the space of six months, 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 determined by ordinance.

§ 5. Whenever an election of mayor shall be contested, the

city council shall determine the same, 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.

§ 1. On the second Monday of March next, an election shall be held in each ward of said city for one mayor and one marshal for the city, two aldermen for each ward; and forever thereafter, on the first Monday of March of each year there shall be an election for one mayor, one marshal for the city, and one alderman for each ward. The first election for mayor and aldermen shall be held, conducted and returns thereof made in the same manner as the election and returns for the president and trustees of the town of Amboy are now held, conducted and returned.

§ 2. All 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 in the wards in which they shall respectively reside.

## ARTICLE V.

### OF LEGISLATIVE POWERS OF THE CITY COUNCIL.

§ 1. The city council shall have power and authority to levy and collect taxes for city purposes upon all property, real and personal, within the limits of the city, not exceeding one-half of one per cent. per annum, unless a majority of the inhabitants thereof vote to raise more.

§ 2. The city council shall have power to appoint a clerk, treasurer, assessor, street commissioner or commissioners, city surveyor, city attorney, and all such other inferior officers as may be necessary.

§ 3. The city council shall have power to require of all officers appointed in pursuance of this charter, bonds 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 such an oath, or make such affirmation as the city council may prescribe, for the faithful performance of the duties of their respective offices, before entering upon the discharge of the same, 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 ten per cent. per

annum; nor shall any sum or sums be borrowed as aforesaid until after the subject shall have been submitted to the legal voters of said city, for which purpose a special election shall be called by the mayor, after giving ten days' notice thereof; and if a majority of legal voters of said city shall vote in favor of any such loan, the same may be negotiated and not otherwise.

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

§ 5. To make regulations to prevent the introduction of contagious diseases into the city, 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 to remove the same.

§ 8. To provide the city with water, to erect hydrants and pumps, build cisterns, and dig wells in the streets for the supply of engines and buckets.

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

§ 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, to establish market and market places and provide for the government and regulations thereof.

§ 15. To provide for 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 license, tax and regulate auctioneers, merchants, peddlers, retailers, grocers, taverns, ordinaries, hawkers, brokers, pawn brokers and money changers.

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

§ 19. To license and regulate porters and the rates of portage.

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

§ 21. To restrain, prohibit and suppress tippling houses, dram shops, gambling houses, and bawdy houses, and other disorderly houses.

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

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

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

§ 25. To regulate and order parapet walls and partition fences, and to restrain cattle, hogs, sheep and dogs from running at large.

§ 26. 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, and to order all laws upon the subject to be enforced, and to fix and enforce payment of fines for noncompliance with any such order.

§ 27. To provide for the inspection and measuring of lumber and other building materials and for the measuring of all kinds of mechanical works.

§ 28. To provide for the inspection and weighing of hay and stonecoal, the measurement of charcoal, fire wood and other fuel to be sold and used within said city.

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

§ 30. To provide for and regulate the inspection of butter, lard and other provisions.

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

§ 32. To regulate the size of bricks to be sold and used in the city.

§ 33. To provide for taking enumeration of the inhabitants of the city.

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

§ 35. To fix the compensation of all city officers, and to regulate the fees of jurors, witnesses and others for services rendered under this act or any ordinance made in pursuance thereof.

§ 36. To regulate the police of the city, to impose fines and forfeitures and penalties for the breach of any ordinance, and to provide for the recovery and appropriation of such fines and forfeitures and enforcement of such penalties; and all monies collected under, and by authority of any city ordinance, shall be deemed and taken to belong to the city and disposed of by the city council under the ordinances of said city for the general use and benefit thereof.

§ 37. The city council shall have exclusive power, within the city, to license or suppress and restrain billiard tables and bowling alleys.

§ 38. The city council shall have power to make all ordi-

nances which shall be necessary and proper for carrying into execution the powers specified in this act, so that such ordinance be not repugnant to, nor inconsistent with the Constitution of the United States, or of this State.

§ 39. The style of the ordinances shall be: Be it ordained by the City Council of the City of Amboy.

§ 40. All ordinances passed by the city council shall, within one month after they shall have passed, be published in some newspaper in the city, or posted up in three of the most public places in the said city of Amboy, and shall not be in force until they shall have been published as aforesaid.

§ 41. All ordinances of the city may be proven by the seal of the corporation; and when printed 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.

§ 1. The mayor shall preside at all meetings of the city council, and, in case of a tie, shall have the casting vote, and in no other. In case of nonattendance of the mayor at any meeting, the board of aldermen shall appoint one of their own number chairman who shall preside at the meeting but shall not thereby lose his right to vote on any question before the board.

§ 2. The mayor or any two aldermen may call special meetings of the city council.

§ 3. The mayor shall at all times be vigilant and active in enforcing the laws and ordinances for the government of the city; he shall inspect the conduct of all subordinate officers of said city, and cause negligence and positive violation of duty to be prosecuted 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 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 riots, to call out the militia to aid him in suppressing the same or other disorderly conduct, preventing and extinguishing fires, for securing the peace and safety of the city, or in carrying into effect any law or ordinance; and any person who shall not obey such call shall forfeit to said city a fine not exceeding five dollars.

§ 5. He shall have power, whenever he shall deem it necessary, to require of any of the officers 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 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.

§ 8. He shall receive for his services, outside of the city, such salary as shall be fixed by ordinance of the city.

§ 9. 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, malconduct, or partiality in the discharge of the duties of his office, he shall be liable to be indicted in the circuit court of Lee county, and, on conviction, he shall be fined not exceeding two hundred dollars; and the court shall have power, on recommendation of the jury, to add to the judgment of the court, that he be removed from office.

## ARTICLE VII.

### OF PROCEEDINGS IN SPECIAL CASES.

§ 1. When it shall be necessary to take private property for opening, widening and altering any public street, lane, avenue, or alley, the corporation shall make a just compensation 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 ascertained by a jury of six disinterested freeholders of the city.

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

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

§ 4. In ascertaining the amount of compensation for property taken for opening or widening or altering any street, avenue, lane 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. Upon a petition of two-thirds of the property holders, the city council shall have power, by ordinance, to levy and collect a special tax on the holders of lots in any street, lane, avenue or alley, according to their respective fronts owned by them, for the purpose of draining, grading or planking side walks and lighting such street, lane, avenue or alley: *Provided*, Said tax shall not exceed in amount the actual cost of said side walks and lighting respectively; which tax shall be collected in the same manner as other city taxes.

## ARTICLE VIII.

### MISCELLANEOUS PROVISIONS.

§ 1. The city council shall have power, for the purpose of keeping the streets, lanes, avenues and alleys in repair, to require every able bodied 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 for the purpose of building and maintaining bridges in said city, there shall be levied on all real and personal estate within said city, any sum not exceeding twenty cents on the one hundred dollars of the assessed value thereof, which tax shall be collected as other city taxes; and any person failing to perform such labor, when duly notified by the street commissioner, shall forfeit and pay one dollar for each day so neglected or refused.

§ 2. The inhabitants of the city of Amboy 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.

§ 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 when 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 monies received and expended by the corporation during the preceeding year, and on what account received and expended.

§ 5. All ordinances and resolutions passed by the president and trustees of the town of Amboy 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 Amboy.

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

§ 8. All property, real and personal, heretofore belonging to the president and trustees of the town of Amboy, 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 Amboy, nor divest them of any rights which may have accrued to them prior to the passage of this act.

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

§ 11. Appeals shall be allowed from decisions in all cases arising under the provisions of this act, or any ordinance passed in pursuance thereof, to the circuit or county court of said county of Lee; and every such appeal shall be granted in the same manner and with like effects 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 resign, or die, or his office shall be otherwise vacated, the board of aldermen shall immediately proceed to elect one of their number as president who shall be mayor *pro tem.* until the office shall be filled by election as herein provided.

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

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

§ 15. The city marshal, or any other officer, authorized to execute writs, or any other process issued by any judicial officer in said city, shall have power to execute the same any where within the limits of the county of Lee, and shall be entitled to the same fees for traveling as are allowed to constables in similar cases. The said city marshal, by virtue of his office, shall be a constable of Lee county, with power to serve process, and do all other acts that a constable may lawfully do, and shall receive the same fees as are allowed to other constables by law; he shall hold his office for one year, and shall give bond as other constables are required by law to give, which bond shall be filed in the office of the county clerk.

§ 16. The president and trustees of the town of Amboy shall cause an election to be held in said town on the first Monday of March next, at which the inhabitants residing within the territory described within the second section of the first article of this act, who are authorized to vote for State officers, shall vote "for the charter", or "against the charter"; and if a majority of the votes given at such election shall be for the charter, this act shall immediately take effect as a law; but if a majority of the votes shall be against the charter, then this shall be of no effect.

§ 17. No provision of this act shall be so construed as to authorize the sale of ardent spirits in a less quantity than now provided by law, unless licensed so to do by the city council.

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

SAMUEL HOLMES,

*Speaker of the House of Representatives.*

JOHN WOOD,

*Speaker of the Senate.*

WILLIAM H. BISSELL.

APPROVED February 16th, 1857.

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UNITED STATES OF AMERICA, }  
STATE OF ILLINOIS. }

I, O. M. HATCH, Secretary of State of the State of Illinois, hereby certify the foregoing to be a true copy of an enrolled law on file in my office.

In testimony whereof, I hereunto set my hand and affix the Great Seal of State. Done at the city of Springfield, this 25th day of February, A. D. 1857.

{ SEAL }

O. M. HATCH,

*Secretary of State.*

ORDINANCES  
OF THE  
CITY OF AMBOY.

# Ordinances of the City of Amboy.

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## CITY COUNCIL.

An Ordinance fixing the time of the meeting of the City Council of the City of Amboy.

*Be it ordained by the City Council of the City of Amboy:*

SECTION 1. That the stated monthly meetings of the city council shall be held on the first Tuesday of every month at the city council rooms, and that special meetings thereof shall be called by the mayor or any two aldermen, by leaving printed notices of the time of holding the same at the residence of the respective members, unless the same be served personally on such members. The service of such notices shall be and is hereby made the duty of the city marshal.

§ 2. That, if any member of said council shall absent himself from any meeting of the same, he shall be subject to a fine of one dollar, unless for good and sufficient cause shown, shall be excused for non-attendance.

§ 3. *Be it ordained by the City Council of the City of Amboy, assembled:* That all orders, ordinances, resolutions or motions heretofore adopted by the trustees of the corporate town of Amboy, and in any wise conflicting with the foregoing rules of order, are hereby repealed.

Passed March 24, 1857.

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## AUCTIONS.

An Ordinance concerning Auctions and Auctioneers.

*Be it ordained by the City Council of the City of Amboy:*

§ 1. That all sales at public auction, within said city, shall be made by an auctioneer, his co-partner, or clerk, who shall first have obtained a license, under the hand of the mayor, or presiding officer of the city council, and seal of the city, and shall also have paid therefor to the city treasurer the sum of twenty-five dollars, and shall have executed a bond to said city, with security, to the satisfaction of the mayor, in the penal sum.

of three hundred dollars, conditional for the payment of all duties that are made or may be imposed by this or any subsequent ordinance, on sale by him, or by any person for or under him. Said license to be in force for one year from and after the date thereof.

§ 2. Every person who may wish to obtain a license as above mentioned, shall apply in writing for the same to the mayor or city council of said city, setting forth therein the proposed place of business and the name or names of his security or securities; and in no case shall the said license be transferable, or the place of business changed, except by having leave of the said council.

§ 3. Any person or persons who shall sell, or attempt to sell, at public auction, in said city, any goods, chattels, or personal property whatever, without first having obtained license therefor as above required, shall forfeit and pay for each offense the sum of fifty dollars.

§ 4. A duty of one per cent. shall be assessed and paid to the authorized agent of the council, at least once a quarter, upon all sales of personal property of every description, made by an auctioneer as aforesaid; and it shall also be the duty of each auctioneer to render quarterly accounts of his sales to the clerk of the city, dating from the date of his license, exhibiting the amount of sales made by him or under his authority, and the duties that have accrued thereon; and for a failure to do so, for the space of ten days after the expiration of the quarter, his license may be declared forfeited, and he shall be subject to a further penalty of five dollars for each and every day such duties and accounts shall be withheld.

§ 5. Every account rendered shall have oath or affirmation attached thereto, signed by the said auctioneer, his co-partner or clerk, setting forth in substance that the same contains a true and accurate statement of the amount of all sales at public auction, made by said auctioneer, or by any one for his benefit, with the duties thereon imposed by the city of Amboy, and that no misrepresentations, subterfuges or deceits have been used by them, whereby to defraud the said city, either in the sales made, or in the accounts so rendered.

§ 6. The following described articles shall be exempt from duty, and shall be so marked in the accounts rendered by auctioneers, viz.:

*First.* Utensils of husbandry, and neat cattle and horses.

*Second.* Articles that belong to the United States.

*Third.* The effects of a deceased person, when sold by order of the executor, administrator or any court, and the effects of any bankrupt or insolvent, when sold by order of the assignee.

*Fourth.* All goods damaged by water or railroad transportation, if sold within twenty days after they have been landed, and sold for the benefit of the owners alone, and not insured, which shall appear by affidavit.

§ 7. The city clerk shall be entitled to one dollar from each auctioneer for each license issued, and the further sum of twenty-five cents for filing and examining each quarterly return, and shall report the same to the council, at the next meeting after such return, and furnish the names of the delinquents for each quarter to the city attorney for prosecution.

§ 8. The city marshal is hereby authorized to collect and receipt for any of the dues or debts accruing to the city for auction licenses or duties.

§ 9. That all sales made at public auction, under and by virtue of legal process shall be exempted from the operation of the provision of this ordinance.

§ 10. *Be it ordained by the City Council of the City of Amboy,* That all orders, ordinances or resolutions heretofore passed by the trustees of the corporate town of Amboy, and in any manner conflicting with the foregoing, be, and are hereby repealed.

Passed March 27, 1857.

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## STREETS.

An ordinance concerning streets and alleys.

*Be it ordained by the City Council of the City of Amboy :*

§ 1. That no person shall encumber or obstruct any street, alley, public landing, or other public place, by placing therein or thereon any building materials, or any article or thing whatever, without having first obtained written permission from the street commissioner of the city, under penalty of two dollars for each offense, and a further penalty of five dollars for each day, or part of day, such encumbrance or obstruction shall continue.

§ 2. The street commissioner, or commissioners, of each ward, or any alderman thereof, and the mayor, or marshal, is hereby authorized to order any article or thing whatsoever, which may encumber or obstruct any street, alley, sidewalk, public landing, or other public place within their respective wards, to be removed; and, if such article or thing shall not be removed within four hours after notice to the owner thereof, to remove the same; or, if the owner cannot be found for the purpose of such notice, to cause the same to be removed to some suitable place to be designated by the mayor or aldermen of the ward; and the owner of any article so removed shall forfeit a penalty of not less than two, nor more than ten dollars, in addition to the costs of such removal.

§ 3. Any article or thing which may be removed in accordance with the preceding section, shall be advertised and sold by the street commissioner at the end of thirty days after such

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§ 2. The street commissioner, or commissioners, of each ward, or any alderman thereof, and the mayor, or marshal, is hereby authorized to order any article or thing whatsoever, which may encumber or obstruct any street, alley, sidewalk, public landing, or other public place within their respective wards, to be removed; and, if such article or thing shall not be removed within four hours after notice to the owner thereof, to remove the same; or, if the owner cannot be found for the purpose of such notice, to cause the same to be removed to some suitable place to be designated by the mayor or aldermen of the ward; and the owner of any article so removed shall forfeit a penalty of not less than two, nor more than ten dollars, in addition to the costs of such removal.

§ 3. Any article or thing which may be removed in accordance with the preceding section, shall be advertised and sold by the street commissioner at the end of thirty days after such

removal, unless the same shall be sooner reclaimed, and the penalty and costs paid by the owner thereof; and the street commissioner making such sale shall immediately thereafter pay the proceeds into the city treasury, and furnish the treasurer with a statement of the article sold and the amount for which the same was sold; and the balance, if any, after deducting the penalty and costs, shall be paid to any person or persons, furnishing satisfactory proof of ownership.

§ 4. The street commissioner, or commissioners, shall not grant permission to place or keep any building materials in any of the streets or alleys of this city for a longer period than two months, and such permission shall not authorize the obstruction of more than one-half the carriage way and one-half of the sidewalk, except in cases of urgent necessity and for shorter periods; and such permission shall be deemed void as to any person who shall extend the obstruction beyond the limits described therein.

§ 5. No wagon, sled, sleigh, carriage or vehicle of any kind or description, or any part of the same, without horses or other beast of burden, shall be permitted to remain or stand in any street or alley of this city for more than two hours, except for the purpose of being repaired, and then only in front of the premises of the person so repairing, under a penalty of two dollars; and any such wagon, sleigh, sled, carriage or vehicle, or any part of the same, may be removed by the street commissioner as provided in section two of this article.

§ 6. No person shall remove, or cause to be removed, or aid or assist in removing any building into, along or across any street, alley or public ground in this city, without first obtaining written permission from the mayor, and conforming to such restriction and condition as he may prescribe under a penalty of twenty-five dollars, to be recovered from the owner of the building or any person aiding in its removal; and a like penalty for every twenty-four hours the same shall remain in or upon any street, alley or public ground.

§ 7. Every permission granted by the mayor, as contemplated in the preceding section, shall specify the time to be occupied in such removal, which time shall in no case be longer than is absolutely required therefor, but such time may be extended for good and sufficient cause.

§ 8. The owner of any building or the contractor for its removal, either or both, who shall suffer the same to be or remain in any of the streets or alleys, or upon any public grounds of the city, for any time longer than that specified in the permission of mayor, shall forfeit a penalty of ten dollars, and a like penalty for every twenty-four hours the same shall be continued.

§ 9. No person shall erect or place any building, in whole or in part, upon any street, alley, sidewalk or other public ground, within this city, under a penalty of fifty dollars.

§ 10. The owner of any building, fence or any other obstruction now standing, or which may hererfter be erected or placed upon any street, alley, side walk or public ground, within this city, shall remove the same within thirty days after he shall be required to do so, by a notice, in writing, signed by the mayor, under a penalty of one hundred dollars, and a further penalty of one hundred dollars for every thirty days the same shall remain.

§ 11. Whenever the owner of any building, fence or other obstruction upon any street, alley, sidewalk or public ground, in this city, shall refuse or neglect to remove the same, after notice as provided in the preceding section, the same shall be deemed a nuisance, and it shall be lawful for the mayor to cause the same to be removed or taken down, in his discretion; and the expense thereof shall be recoverable of the owner in an action of assumpsit, or by assessment on the premises in the manner provided in the ordinance relative to nuisances; and every person who shall oppose or resist the execution of the orders of the mayor in the premises, shall forfeit a penalty of one hundred dollars.

§ 12. Whenever, from any cause, any street or alley of the city shall be obstructed by a press of teams attached to vehicles, loaded or otherwise, the mayor, any alderman, city marshal, police constable or street commissioner may give such directions in regard to the removal of such teams, vehicles, &c., as in the opinion of such officer may be required by the public convenience; and any person or persons refusing, or neglecting to obey such directions, shall forfeit and pay a sum of not less than one, nor exceeding ten dollars, and may be arrested forthwith to answer for such refusal or neglect.

§ 13. No person shall throw or deposit any straw, dirt, filth, chips, shells or other rubbish in any street, alley or public place in this city, under penalty of two dollars for each offense, and a like penalty for every hour the same shall be suffered to remain after notice to remove given by any member of the police department.

Passed March 27, 1857.

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## SIDEWALKS.

An Ordinance concerning Sidewalks and Crosswalks.

### ARTICLE I. CONSTRUCTION OF SIDEWALKS.

*Be it ordained by the City Council of the City of Amboy:*

§ 1. That all sidewalks which may be ordered by the city council, shall be constructed under the superintendence and to the satisfaction of the street commissioner. They shall be built of the width hereinafter specified, of sound two-inch pine plank,

firmly set upon and spiked to suitable bearings, not less than three by four inches pine or oak scantling, let into the earth or filled in between, so as to form an even grade, unless the order for the same shall require different materials or width.

§ 2. Unless a different width shall be specified in the order, sidewalks shall be made by the owners or occupants of the premises of the following width: not less than four, nor more than eight feet wide. Sidewalks shall be built within fifteen days after the first publication of notice in the corporation paper by the owner or occupant of the premises. The order for a sidewalk may be in the following form, to wit:

“*Ordered*, That a sidewalk be constructed on the — side of — street, from — street to — street, in the — ward, in conformity to the ordinance relative to sidewalks.”

§ 3. After the passage of an order for a sidewalk, the city clerk shall cause a notice thereof to be published in the corporation paper for the space of ten days. The notice shall specify the day on or before which the sidewalk shall be constructed by the owner or occupant, and the width thereof.

#### SIDEWALK NOTICE.

“CITY CLERK'S OFFICE,  
Amboy, —, 185 . } ”

Public notice is hereby given, that the the city council have ordered a sidewalk, (or “sidewalks,”) to be constructed as follows:

On the — side of — street, from — street to — street, in the — ward.

(*If other walks have been ordered at the same time, then insert as follows*):

Also, on the — side of — street, from — street to — street, in the — ward.

Now unless, the same shall be constructed in the manner required by the ordinance relative to sidewalks, on or before the — day of — next, (or “inst.”) they will be built by the expenses assessed on the premises charged therewith.

—, *City Clerk.*”

The clerk shall likewise cause a copy of the notice of such order to be delivered to the street commissioner of the proper ward forthwith after the publication thereof.

§ 4. The street commissioner, on receiving notice of any order for a sidewalk, shall forthwith notify the owner or occupant of the real estate interested when the known owner can be found, serving the same upon him in the manner herein prescribed. The notice may be written or printed, or partly both, in the following form:

"STREET COMMISSIONER'S OFFICE, }  
Amboy, ———, 185 . }

Mr. ———: Sir—You are hereby notified that the city council of the city of Amboy have ordered a sidewalk — in width, on lot No. — in block No. — in the original town, (or in any addition thereto, as the case may be,) of two-inch pine plank, firmly set upon and spiked to suitable bearings of not less than three by four inches pine or oak scantling, let into the earth so as to form an even grade.

Now, unless you shall construct the same, to the satisfaction of the street commissioner, in the manner required by the ordinance, on or before the — day of — inst., (or "next," as the case may be in the day mentioned in the clerk's notice,) the same will be built by the street commissioner, and the expenses assessed upon the premises.

—————, Street Commissioner."

The notice aforesaid may be served personally or by leaving the same at the residence or place of business of such owner or occupant, or upon both, in the discretion of the street commissioner. Notice may likewise be served upon any known agent of the parties aforesaid in like manner.

§ 5. If any sidewalk shall not be constructed within the time mentioned in the notice, or to the satisfaction of the street commissioner, it shall be his duty forthwith thereafter to report the same to the city council, in writing. The report shall state the name of the owner or occupant on whom notice has been served, and the manner of service. If any owner be unknown or cannot be found, he shall state opposite to the lot "owner unknown" or "owner cannot be found," as the case may be. A description of the lot or other premises shall likewise be given in the report. The street commissioner shall procure and file with his report a copy of the sidewalk notice published in the corporation paper, with a certificate of its due publication.

§ 6. On the reception of such report, the city council may order the street commissioner to construct the sidewalk mentioned in such report. The order may be as follows:

"Whereas the owners and occupant of the following described real estate, to wit:

— lot —, block —, original town;

— lot —, block —, addition within the city of Amboy; have failed, after due notice, to construct sidewalks thereon in pursuance of an order passed ———, 185 , it is therefore

*Ordered*, That the street commissioner of the — ward construct the same forthwith in conformity with the original order, and report the expenses for assessment."

§ 7. An accurate account shall be kept by the street commissioner of the cost of every sidewalk constructed by order

of the city council, and he shall report the same as soon as may be, in substance, in the following form :

"STREET COMMISSIONER'S OFFICE, }  
Amboy, ———, 185 . }

In compliance with an order of the city council, passed ———, 185 , I have constructed sidewalks (or "a sidewalk," as the case may be,) on the premises hereinafter described, at an expense set opposite to each respectively, to wit :

— lot —, block —, original town, \$—  
— " —, " —, — addition, —  
—————, Street Commissioner."

A sidewalk account shall be opened by the clerk with each ward, and all expenditures made in such ward for building or repairing sidewalks shall be charged to the same; and all monies collected on the same account shall be credited thereto. If there shall be, at any time, any uncollected or uncollectable balance on such accounts, the same shall be charged, from time to time, to the general account of the ward chargeable therewith."

§ 8. The city council, after the reception of the street commissioner's report, shall by an order assess the expenses on the real estate described therein. Such order may be in the following form :

#### SIDEWALK ASSESSMENT.

"Ordered, That the several sums set opposite to the following lots and parts of lots respectively, to wit :

— lot —, block —, original town, \$—,  
— " —, " —, — addition, —,

be, and the same are hereby respectively assessed thereon, to defray the expenses of sidewalks constructed by the street commissioner in pursuance of an order, passed ———, 185 , and that a warrant issue for the collection of such assessment returnable in thirty days from the date thereof."

§ 9. Warrants shall be issued by the city clerk in the manner and form prescribed in the ordinance concerning assessments for public improvements. They shall be delivered to the city collector in fifteen days after the assessment is made; the clerk shall take a receipt from the collector for the warrant, and charge the amount thereof to him. On the delivery of the warrant to him, the collector shall give ten days' notice thereof in the corporation paper, which notice may be in the following form :

#### SIDEWALK WARRANT.

"CITY COLLECTOR'S OFFICE, }  
Amboy, ———, 185 . }

Public notice is hereby given, that a warrant for the collection of an assessment made by the city council on certain real

estate, for the cost of sidewalks constructed by the street commissioner on the — side of — street, from — street to — street in the — ward, has been delivered to me for collection, and payment of the same is hereby demanded.

—————, *City Collector.*”

§ 10. In the collection of such warrant, the collector is hereby vested with the same powers, duties and liabilities given or imposed upon him by law, in the collection of general warrants for taxes, and his return thereof may be in like form. All monies collected shall be deposited, as fast as may be, in the treasury; and it shall be the duty of the treasurer to keep a sidewalk account with each ward in which all monies collected shall be credited to the proper ward. If any portion of the assessment shall not be collected by the return day of the writ, an order for the sale of the delinquent premises shall be made by the city council. The order of sale may be made in the following form:

#### ORDER OF SALE.

“Whereas, the warrant issued on the — day of —, 185 , for the collection of sidewalk assessment made by the city council on the — day of —, 185 , for the cost of certain sidewalks built by the street commissioner, in pursuance of an order for a sidewalk — side of — street, from — street to — street, has been returned by the collector unsatisfied as to the following lots and sub-lots, to wit:

*(Herein describe the real estate with the assessments thereon as fully as the same are set forth in warrants.)*

It is therefore ordered, that the collector proceed forthwith to advertise and sell the premises above described for the assessments respectively due thereon, and that the mayor and clerk issue to him a certified copy of this order.”

§ 11. The certified copy of said order may be written upon, or otherwise attached to the collector's warrant signed by the mayor and clerk under the corporate seal. It shall be delivered to the collector within ten days after the passage thereof, and he shall thereupon advertise and sell the delinquent premises and report a list of sales to the city clerk in the manner prescribed for advertising, selling and making his returns for general taxes, and his duties and liabilities in respect thereto shall be the same. Persons shall have the right to stop any sale by the payment of the assessment and cost of advertising.

§ 12. The grade for sidewalks shall be given in the several wards by the superintendent of public works, the street commissioner, or by the committee on streets and alleys of the wards until a permanent grade shall be established by the city council. It shall be the duty of the street commissioner to superintend the construction of sidewalks, so far as it may be

necessary to compel their construction, of the material and in the manner hereinafter prescribed. If any person shall fail to comply with this ordinance, in the building of any sidewalk, the street commissioner shall direct the same to be laid, and in case of refusal or neglect to comply with such order, he shall report the same to the city council in the same manner as if the same had not been laid.

§ 13. If any person shall build or aid in building any sidewalk where no grade has been established, without first obtaining a grade therefor from the city superintendent, the street commissioner, or the committee on streets and alleys, or contrary to any grade which may be obtained from such officers, or shall build or assist in building any sidewalk contrary to any grade which may be hereafter established by the city council, or contrary to any of the provisions of this article, he shall in either case be subject to a penalty of ten dollars for every offense, and to a like penalty for every day he shall fail to remove or re-construct the same after notice by the street commissioner or any alderman of the ward to remove or re-construct the same.

§ 14. Whenever any sidewalk shall become broken or otherwise out of repair, or required to be wholly re-laid, the street commissioner or any alderman of the ward shall cause a verbal printed or written notice to be served upon the owner or occupant of the premises in the manner prescribed in section fourth of this article: *Provided*, The notice shall require such repairs to be made within twenty-four hours after service thereof. But in all cases where it shall be necessary wholly to re-build any sidewalk, not more than ten days shall be specified in the notice. If any person shall neglect or refuse to repair or re-build any sidewalk after notice as aforesaid, he shall be subject to a penalty of five dollars for each offense. He shall also be liable for all damages which the city may incur by reason thereof to be recovered by the city in action of assumpsit. The street commissioner or commissioners shall in all cases, where parties refuse or neglect to repair or re-build sidewalks in pursuance of notice as aforesaid or cannot be found, cause the same to be re-built or repaired within a reasonable time after the expiration of notice, and report the expenses to the city council. The report may be in the same form, and the assessment may be made and collected in the same manner as prescribed in this article in relation to sidewalks.

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#### ARTICLE II. OBSTRUCTIONS.

*Be it ordained by the City Council of the City of Amboy :*

§ 1. That no porch, gallery, stoop, steps, cellar door, stair railing or platform, erected or to be erected in the city of

Amboy, shall be allowed to extend into or upon any sidewalk more than two feet. Any violation hereof shall subject the offender to a penalty for every day such violation shall continue after notice from the marshal or street commissioner to remove the same.

§ 2. The mayor, marshal or street commissioner of the proper ward is hereby authorized to cause any steps, stoop, gallery, platform, cellar door, stair railing or other obstruction, erected in violation of the foregoing section, to be removed within a reasonable time after notice to that effect by either of the officers aforesaid served upon the owner, agent or person in possession of the premises where such violation occurs, or in case the owner, agent or person cannot be found, thereby posting such notice upon the premises or sidewalk in front thereof; and the owner, agent or party causing such obstruction or violation, shall pay all expenses and costs of such removal in addition to the penalties aforesaid.

§ 3. No bay window or other window shall extend into any sidewalk more than fourteen inches, nor shall any sign project from any store or other building into or over any sidewalk or street, unless elevated eight feet above the sidewalk; nor shall any cellar door rise or project above the surface of the sidewalk at the outer side, nor more than three inches near the store or building, nor shall the hinges thereof or anything connected therewith project or rise above the door; nor shall any staple, lock or any other fastening be placed on the upper side thereof, under a penalty of three dollars for each offense to every person violating any provision of this section, and to like penalty for every day such violation shall continue after request or notice to remove the same by the mayor or marshal, or any alderman or street commissioner of the ward.

§ 4. No person or persons shall place upon, or suffer to be placed upon any sidewalk in the city of Amboy, any goods, wares or merchandise, for sale or show, beyond two feet from the front line of the lot where such goods may be exposed.

§ 5. No person or persons receiving or delivering goods, wares or merchandise in said city, shall place or keep upon any sidewalk, in said city, any goods, wares or merchandise, which he or they may be receiving or delivering, without leaving a passage clear upon such sidewalk, where such goods may be, of six feet wide, for the use of foot passengers; and no person or persons receiving or delivering such goods shall suffer the same to be or remain on such sidewalk (subject, nevertheless, to the foregoing restrictions) for a longer period than twenty-four hours; and any person or persons violating any of the provisions of this or of the foregoing sections, shall forfeit and pay to said city a sum not less than three dollars, nor more than ten dollars, and shall be subject to a like penalty for each hour the said goods, or any part thereof, shall remain as aforesaid, after notice to remove the same.

§ 6. That any person or persons who shall sell or attempt to sell, or shall cry for sale at public auction, in the city of Amboy, any goods, chattels or personal property whatever, to any person or persons upon the sidewalks or streets, within the said city, so as to collect a crowd of people upon the said sidewalks and streets, whereby the free passage thereof of any person or persons is prevented or hindered, shall be deemed guilty as the author of a nuisance and of obstructing the said sidewalks or streets, and shall be severally subject to a fine of ten dollars. This section includes licensed auctioneers of the city of Amboy, and it is hereby made the express duty of the city marshal to cause the strict observance of this and all other ordinances relative to the obstructions of sidewalks and streets within the city.

§ 7. No person shall at any time fasten any horse or horses in such a way that the horse, vehicle, reins or lines shall be an obstacle to the free use of the sidewalk under a penalty of one dollar for each offense, and the person in whose possession or use such horse or horses shall then be, shall be deemed the offender, unless he can prove the contrary to the satisfaction of the magistrate before whom he shall be prosecuted.

§ 8. No person or persons shall push or draw back any horse, wagon or other vehicle over any sidewalk, or use, ride or drive any horse, wagon, sled or sleigh thereon, except it be in crossing the same to go into a yard or lot where no other suitable crossing or means of access is provided, under the penalty of two dollars for each offense.

§ 9. All cross-walks in the city shall be kept and reserved free from any wagons, carts or carriages, and horses or other animals being placed or suffered to stand thereon, except so far as may be necessary in crossing the same; and the owner or driver of any sleigh, wagon, cart or other carriages, or horse or other animal offending herein, shall forfeit and pay a penalty of three dollars.

§ 10. The mayor, marshal or street commissioner of the proper ward is hereby authorized to cause any post or other obstruction erected, placed or continued on any sidewalk contrary to the provisions hereof, to be removed, after due notice has been given to remove the same, and a neglect to comply with such notice.

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#### ARTICLE III. CROSS-WALKS AND SEWERS.

*Be it ordained by the City Council of the City of Amboy:*

§ 1. Whenever any cross-walk or sewer, at the connection of streets, shall be required, it shall be the duty of the street commissioner of such ward to notify the city council thereof. The notice shall specify the place or places where the same shall be

ordered by the city council; the order thereof may be in the following form, to wit:

*“Ordered,* That the street commissioner of — ward construct a sidewalk with suitable material (*or “sewer,” as the case may be,*) on the — side of — street, at its connection with — street, in accordance with the ordinance, and report the expenses thereof to the city council for assessment.”

§ 2. The order may embrace one or more cross-walks or sewers as described, but in such case the order shall describe the places for the construction of each.

§ 3. All sewers at the connection of streets (unless otherwise ordered) shall be built of two-inch oak plank, and be of sufficient dimensions to carry off the water.

§ 4. Cross-walks shall be constructed not exceeding four feet in width. They shall be provided with suitable aprons of the width of the sidewalk. The width of the cross-walk, when not specified in the order, shall be determined by the street commissioner, by and with the advice of the committee on streets and alleys of the city. The walks shall be laid with care, and so let into the ground as not to form any material obstruction of the road.

§ 5. Crosswalks, aprons and sewers shall be kept in repair by the street commissioner, and the expenses of such repairs shall be reported by him from time to time and charged to the ward, or assessed as the city council may afterwards determine.

§ 6. It shall be the duty of the street commissioner to keep an accurate account of the expenses of each cross-walk and sewer constructed by him, and make report thereof in writing. The report shall designate the place where such expenditures shall have been made, and be signed by the street commissioner and filed in the office of the city clerk.

§ 7. The city clerk shall keep separate accounts with each ward, in which all expenditures for cross-walks and sewers shall be entered. The account for sewers shall be kept distinct from that of cross-walks. The entry shall briefly describe the location and expenses of each work the clerk shall quarterly or half yearly, as the mayor may direct, make an abstract of each of said accounts to present the same to the city council. An order shall thereupon be entered for the assessment of the monies so expended, and the appointment of commissioner. Said order shall contain specifications of each cross-walk or sewer so constructed, and its location, so that the commissioners may be able to determine what portion of the whole sum to be assessed is chargeable to the real estate benefited by the construction of any such cross-walk or sewer.

§ 8. All proceedings in reference to the assessment and the collection of said expenses may be conducted in the man-

ner prescribed in the ordinance concerning assessments for other public improvements.

§ 9. *Be it ordained by the City Council of the City of Amboy,* That all orders or ordinances or resolutions, heretofore passed by the trustees of the corporate town of Amboy, and in any manner conflicting with the foregoing, be and are hereby repealed.

Passed March 27, 1857.

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An Ordinance to amend an Ordinance entitled "An Ordinance concerning Sidewalks and Cross-walks," passed March 27, 1857.

*Be it ordained by the City Council of the City of Amboy :*

§ 1. That in all cases where the collector is authorized to collect special taxes by the city council, he shall proceed in the collection of the same according to, and in like manner as is provided in an ordinance, passed May 5, 1857, for the collection of general tax, and an ordinance amendatory thereof, passed September, 8, 1857.

§ 2. *Be it ordained by the City Council of the City of Amboy,* That sections ten and eleven in an ordinance entitled "An Ordinance concerning Sidewalks and Cross-walks," passed March 27, 1857, be and is hereby repealed.

Passed January 5, 1858.

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## POUNDS.

An Ordinance concerning Pounds.

*Be it ordained by the City Council of the City of Amboy :*

§ 1. That the street commissioner or commissioners, when directed by the city council shall construct good and suitable pounds in each of the wards of the city, to be placed under the care and direction of a pound-keeper for each ward, to be appointed by the city council: *Provided,* The pound-keepers shall hold their office for one year, and until their successors have been appointed, and be entitled to the compensation hereinafter provided.

§ 2. No horse, mule, jack, goat, sheep, swine, or any such animal shall be permitted to run at large in the city at any time, and found running at large, each and every of such animal may be impounded in the common pound, from whence they shall not be released until the owner or owners or some other per-

son shall pay to the pound-keeper thereof the sum of fifty cents for his fees in receiving and discharging or selling each and every such animal so impounded, and the sum of twenty-five cents for the suitable and proper sustenance for each and every such animal for every twenty-four hours the same shall be kept, and such owner shall be subject to a penalty of two dollars for each horse, mule or jack, and the sum of one dollar for every other animal herein mentioned so found running at large.

§ 3. It shall be the duty of the pound-keeper to provide necessary sustenance for all animals so impounded, and the reasonable cost for providing such sustenance for each animal shall be paid to the pound-keeper before such animal shall be released from the pound; and it shall be lawful for pound-keepers to sell at public vendue any animal or animals impounded as aforesaid at any time after the expiration of three days from the time they shall be so impounded, the said pound-keeper giving, at least forty-eight hours previous, public notice of the time and place of sale by four advertisements, one of which shall be put up at the pound, one at the post office, and the other two at the most public places in the city; but if said animals or any of them are redeemed, or an offer is made to redeem them by paying the pound-keeper's fees and the penalty prescribed in the preceding section, together with the expenses of sustenance as aforesaid at any time before they are actually sold, the same shall not then be sold, but shall be released by the pound-keeper. The pound-keeper shall render to the city council, quarterly, a true statement of all fees and all monies received by him, either for penalties or for animals sold by him; and if he shall fail to render such account, he shall be subject to removal from such office. Pound-keepers shall not purchase or be interested, directly or indirectly, in any manner in the purchase of anything sold by him or them as pound-keepers, under a penalty of ten dollars.

§ 4. The city shall not in any case be liable to the pound-keeper for, or on account of any fees or expenses due to him on account of any animal which may be impounded; and whenever any such animal shall be sold, and shall not bring enough to pay the fees and penalty, the same shall be recovered of the owner of any such animal, by suit, before any justice of the peace, in the name of the city, and shall be exacted and received by the pound-keeper or keepers, and by them retained for their own use, and no part thereof shall they be required to pay to the city.

§ 5. If any person or persons shall break open or in any manner, directly or indirectly, aid or assist in breaking open any city pound, said person or persons shall severally forfeit and pay the sum of twenty-five dollars.

§ 6. Each and every person who shall hinder, delay or ob-

struct any person or persons engaged in driving to the city pound any animal or animals, beast or beasts liable to be impounded in the city pounds, shall for each and every hindrance, delay or obstruction, and for each and every person delayed, forfeit and pay a fine of not less than five dollars, nor exceeding fifty dollars.

§ 7. If any pound-keeper appointed as aforesaid shall refuse or neglect to take up, distrain or impound any horses, swine or other animal known by him to be running at large, contrary to the ordinances of the city, he shall be subject to a penalty of ten dollars for every such neglect of duty.

§ 8. That any owner of any horse, swine, goat, or any of such animals who shall permit the same to run at large, within the limits of the city, shall for each offense forfeit two dollars for each horse, mule or jack, and one dollar for every other animal above mentioned so permitted to run at large, and it shall also be lawful for any person to distrain and impound any horse, mule, jack, goat or swine so found running at large on his own premises or elsewhere.

§ 9. Any person who shall distrain or impound any horse, mule, goat or swine, in accordance with the preceding section, shall within twenty-four hours thereafter post four notices, one at the city pound, one at the post office and the other two in two of the most public places in the ward where said animals may be impounded, which notices shall describe the animals impounded, and give notice that unless the same are claimed by the owners, and the penalty provided in the preceding section, and the cost of their keeping shall be paid within three days thereafter, the said animals will be sold to satisfy the same; and if such notice shall not be complied with, authority is hereby given to the person so impounding to sell and dispose of such horse, mule, jack, goat or swine in the same manner as herein provided in relation to pound-keepers. If there shall be any surplus arising from such sale, it shall be paid to the owner.

§ 10. One-half of the penalty in section nine (9) shall be paid into the city treasury, and the other half to the persons who shall take up, impound and advertise any such animals as aforesaid, when collected.

§ 11. *Be it ordained by the City Council of the City of Amboy,* That all orders, ordinances or resolutions heretofore passed by the president and trustees of the corporate town of Amboy, and in any manner conflicting with the foregoing, be and are hereby repealed.

Passed April 4, 1857.

## SHOWS AND EXHIBITIONS.

An Ordinance concerning Shows and Exhibitions.

*Be it ordained by the City Council of the City of Amboy :*

§ 1. That it shall not be lawful for any person or persons to own, conduct or manage any theatre, circus, caravan or other exhibition, show or amusement, or exhibit any natural curiosities, or panoramic, or other show or any device of any kind, or give any concert or other musical entertainment, without a license: *Provided*, That for musical parties or concerts and exhibitions of paintings or statuary, given or made by citizens of this city, no license shall be required.

§ 2. Licenses shall be granted by the city council or by the mayor, as hereinafter provided, upon application therefor under the provision hereof, for any of the purposes aforesaid, upon the payment into the treasury of such sum of money as the city council shall determine in such particular case: *Provided*, That if the meeting of the city council shall not intervene between the time of application for a license, and the time of performance or exhibition: in that case the mayor is hereby authorized to determine the sum of money to be paid therefor, but not less than two dollars shall be fixed in any case, nor shall any license so granted continue in force beyond the next session of the city council.

§ 3. All licenses issued under the provisions hereof shall specify the object and length of time for which the same shall have been respectively granted. The clerk shall be entitled to a fee of one dollar for every license so issued, and he shall register the sum in the license register. Licenses granted under the provisions hereof shall at all times be subject to the ordinances of the city existing when issued or subsequently passed. It shall be the duty of the person licensed to keep good order about his place of exhibition or amusement, and for that purpose keep, at his own expense, a sufficient police force.

§ 4. If any person shall violate, or aid or assist in the violation of any of the foregoing provisions, or neglect or refuse to conform thereto, he shall be subject to a fine not less than twenty dollars, and not more than one hundred dollars, in the discretion of the court for every such violation, and to the revocation of his license at the pleasure of the council.

§ 5. All licenses granted by the the mayor or city council of the city of Amboy for exhibitions, musical entertainments, circuses, theatrical performances, panoramas, and all other shows and exhibitions, where licenses are required, shall contain a proviso that no gambling, raffle, lottery or chance gift distribution of money or articles of value shall be connected therewith,

nor allowed by the person obtaining said license, or in any wise permitted or held out as an inducement to visitors, and where any person or persons shall be charged, by a credible person, with having violated the provisions of his or her license as aforesaid, the mayor of the city is directed to give the parties accused reasonable notice thereof, and inquire into the truth of said charge, and if the accusation be sustained, he shall declare the license of such person or persons forfeited, and revoke the same; and whenever any person or persons, whether licensed or unlicensed, shall be charged on the oath of any credible person with getting up, carrying on, or permitting in any place occupied by them any gambling, raffle, lottery or chance gift distribution, such person or persons shall, on conviction, be fined not less than fifty dollars, nor more than one hundred dollars.

§ 6. *Be it ordained by the City Council of the City of Amboy,* That all orders, ordinances or resolutions, heretofore passed by the president and trustees of the corporate town of Amboy and conflicting herewith, are hereby repealed.

Passed March 31, 1857.

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### FIRING OF GUNS, &c.

An Ordinance to prohibit the Firing of Guns, Pistols, Fire-crackers or other Combustible Matter within the City Limits.

*Be it ordained by the City Council of the City of Amboy:*

§ 1. That no person or persons shall fire off or discharge any gun, pistol or cannon, fire-crackers or other combustible matter, within the limits of the city, at an unusual hour of the night, or on Sunday; and any person or persons violating this ordinance shall be subject to a penalty of not less than three, nor more than ten dollars.

§ 2. *Be it ordained by the City Council of the City of Amboy,* That all orders, ordinances or resolutions heretofore passed by the president and trustees of the corporate town of Amboy, and conflicting herewith, are hereby repealed.

Passed March 31, 1857.

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### STREET COMMISSIONER AND STREET TAX.

An Ordinance concerning Street Commissioner and Street Tax.

*Be it ordained by the City Council of the City of Amboy:*

§ 1. That every male inhabitant of the city, over the age of twenty-one years, is hereby required to labor two days in each

year upon the streets and alleys of the ward which he may inhabit at such time and place, and in such manner as the street commissioner or commissioners shall direct, but every such person may at his option pay at the rate of seventy-five cents for every day he shall be bound to so labor: *Provided*, Such payment shall be made on or before the first of the two days upon which he may be notified by the street commissioner to labor, and in default of paying as aforesaid the sum of two dollars may be collected of such person with cost.

§ 2. It shall be the duty of the street commissioner or commissioners, under the direction of the committee on streets and alleys, faithfully to superintend all repairs and improvements upon the streets and alleys ordered by the city council, or in the judgment of the street commissioner (or necessary to be made): *Provided*, That all improvements not made by order of the city council, the street commissioner shall confer with, and secure concurrence of the committee on streets and alleys, before proceeding to make such improvements or repair as aforesaid.

§ 3. For the purpose of enabling the street commissioner to carry out the provisions of the foregoing section, they are hereby authorized and required to labor upon the streets and alleys of said city, at such time and place and in such manner as the street commissioner shall deem necessary. The street commissioner shall deliver, or cause to be delivered, or left at the place of residence or ordinary place of business of every person so required to labor upon the streets and alleys as aforesaid, a written or printed notice, at least five days previous to the first day he shall be required to labor, which notice may be in the following form, viz:

“Mr. ———: Sir—You are hereby notified and required to appear at ——— at 7 o'clock, A. M., on the ——— day of ——— with ——— for the purpose of laboring upon the streets and alleys as you shall be then and there directed by me. In case you shall fail so to appear and labor, you are hereby required on or before the first day above mentioned to call upon the treasurer of the city and pay to him the sum of one dollar and fifty cents in cash, otherwise you shall pay the sum of two dollars, and become liable to be sued for the same without further notice.

—————, *Street Commissioner.*”

§ 4. It shall be the duty of the city treasurer, upon the payment of the aforesaid sum of one dollar and fifty cents, in accordance with the notice, by any person required to labor upon the streets and alleys as aforesaid to issue to such person a receipt for the same, specifying it to be in full satisfaction for all labor due from such individual upon the streets and alleys for the year for which such payment is made; which receipt shall be a sufficient discharge to the person to whom it is issued for the year mentioned therein. And it shall be the further duty of

the treasurer to open a street tax account with each ward in which the person making the payment resides, mentioning the name of each person making payments to him upon his books. It shall be the further duty of the treasurer to pay out said monies upon the orders of the city council, which orders shall specify upon their face, in red ink, upon the fund of which ward they are drawn, and the treasurer shall pay each order out of the fund upon which it is drawn, and charge the same to that account, and no other. The treasurer shall report at the first regular meeting of the city council, in each month, and oftener if required, the state of the street tax fund of each ward, and at all times give to the street commissioner or commissioners such information as they may desire in regard to the finances of their respective wards.

§ 5. No monies shall be expended out of the general treasury for improvements or labor upon the streets and alleys, until all the collectable street tax has been collected and expended, without a special order of the city council directing the improvement or expenditure for which each payment out of the general treasury is to be made.

§ 6. It shall be the duty of the clerk, under the direction of the committee on finances, to cause to be provided appropriate receipts and notices for street commissioner or commissioners, and receipts for the treasurer to deliver the same to the street commissioner or commissioners and treasurer, and to keep a careful account of all receipts thus delivered; and it shall be the duty of the clerk to furnish to the street commissioner or street commissioners an alphabetical list of all persons in the several wards of the city, required by the ordinance to perform labor upon the streets and alleys.

§ 7. The street commissioner or commissioners shall issue their receipt to all persons who shall faithfully labor upon the streets and alleys under his direction for two days, and shall also take a receipt from every such person, specifying that he has received from the street commissioner (naming him) his receipt in full for two days' labor upon the streets and alleys: *Provided*, That no street commissioner shall receive or receipt for any monies in lieu of labor from any person, under the forfeiture of ten dollars for every violation of this proviso; nor shall the duties of the street commissioner be transferred by him to any other person, without the consent of two-thirds of the aldermen of wards to which he belongs.

§ 8. It shall be the duty of the street commissioner or street commissioners, on the next day after the expiration of the time mentioned in the notice, to work on streets and alleys, to make two lists of all delinquents upon whom such notice has been served in the usual way, one of which lists shall be handed to the treasurer who shall thereafter require the payment of two dollars from each delinquent; the other list the street commis-

sioner shall cause to be published in the corporation paper for one week. The notice may be in the following form :

## STREET TAX NOTICE TO DELINQUENTS.

“ STREET COMMISSIONER’S OFFICE, }  
*Amboy, ———, 185 . }*

Notice is hereby given that suits will be commenced against the persons hereinafter named for their street tax, unless the sum of two dollars be paid by each to the city treasurer in lieu thereof on or before the — day of —, 185 . All persons who neglect or refuse to make such payment as aforesaid shall be fined in the sum of two dollars and the costs of suit.”

§ 9. It shall be the duty of the street commissioner or commissioners, within six days after any person so assessed and notified shall be guilty of any refusal or neglect for which a penalty or fine is prescribed in this ordinance, unless a satisfactory excuse shall be rendered to him for such refusal or neglect, to make complaint on oath to the police magistrate or any justice of the peace of the city.

§ 10. The police magistrate or justice of the peace, to whom such complaint shall be made, shall forthwith issue a summons directed to the city marshal, or any constable of the city requiring him to summon said delinquent to appear forthwith before such police magistrate or justice of the peace, at such place specified in the summons to show cause why he should not be fined, according to law, for such refusal or neglect, which summons shall be served personally or by leaving a copy at his personal abode.

§ 11. If upon the return of such summons, no sufficient cause shall be shown to the contrary, the police magistrate or justice of the peace shall impose a fine as provided in this ordinance for the offense complained of, and shall forthwith issue an execution under his hand and seal, directed to the city marshal or any constable of the city commanding him to levy such fine with the costs of proceedings on the goods and chattels of such delinquent.

§ 12. The compensation of the street commissioner of the city or of the several wards, shall be fixed by the city council, yearly, and paid out of the city treasury, and shall be chargeable to the respective wards.

§ 13. It shall be the duty of the street commissioner or commissioners to take care that the provisions of all ordinances in regard to streets and alleys, public grounds, sidewalks, and drains and sewers of the city, are obeyed and enforced in their respective wards. They shall obey such orders or directions, either general or special, as they or either of them may from time to time receive from the city council or mayor; and for any refusal or neglect on the part of such officer to obey such

order, or to fulfill any other duty imposed upon him, he shall be subject to removal from office.

§ 14. It shall be the duty of the street commissioner or commissioners forthwith to mend all breaks or places requiring repairs, in any street which may be planked under the direction of the committee on streets and alleys, and report the expenses thereof to the city council for assessment, or to be charged to the ward as the city council shall determine. They shall likewise, annually, under the direction of the mayor, cause the streets and alleys in their respective wards to be thoroughly cleansed, beginning in the spring, and they shall keep the same in that condition, so far as practicable, during the remainder of the year.

§ 15. *Be it ordained by the City Council of the City of Amboy,* That all orders or ordinances or resolutions, heretofore passed by the president and trustees of the corporate town of Amboy, and in any manner conflicting with the foregoing ordinances, are hereby repealed.

Passed April 9, 1857.

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## PEDDLERS.

An Ordinance concerning Peddlers.

*Be it ordained by the City Council of the City of Amboy :*

§ 1. That any person who shall sell, or offer any goods, wares, merchandise or other articles of value for sale, barter or exchange at any place in, upon, along or through the streets, avenues, alleys or other public places, shall be deemed a peddler.

§ 2. It shall not be lawful for any peddler to exercise his calling within this city without a license, and any person violating this section shall be subject to a penalty of ten dollars for every offense.

§ 3. The mayor is hereby authorized to grant a peddler-license to any person in his discretion applying in writing for the same upon the payment of not less than five dollars, nor more than fifty dollars into the city treasury: *Provided,* That any person or persons shall be permitted to peddle meats, cakes, refreshments or bread, without license. Licenses shall continue in force one year from the date thereof and shall be issued under the corporate seal signed by the mayor and city clerk. The clerk shall be entitled to a fee of one dollar for every license so issued.

§ 4. This ordinance shall not be so construed as to apply to any person or persons coming into the city from the country with

teams, or otherwise with any produce to market, or to any person selling any vegetables, berries, or the produce of their own farm or premises; nor shall the same be so construed as to make it a penal offense for children under the age of fifteen years, to peddle apples or other fruits: *Provided*, They do not occupy a stand.

§ 5. *Be it ordained by the City Council of the City of Amboy*, That all orders, ordinances or resolutions, heretofore passed by the president and trustees of the corporate town of Amboy, and in any manner conflicting with the foregoing ordinances, are hereby repealed.

Passed April 9, 1857.

DOGS.

An Ordinance relating to Dogs running at large.

*Be it ordained by the City Council of the City of Amboy :*

§ 1. That no dog or slut, kept within the limits of the 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 and the number of the registry shall be inscribed in plain letters, and unless the owner shall also give his name and a description of such dog or slut to the city clerk who shall register the same in a book kept for the purpose, and at the same time pay to said city clerk a tax of one dollar for each and every dog and three 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 clerk shall have twenty-five cents for registering each dog, and after deducting the fee for registry, pay the balance of such tax into the treasury, taking a receipt therefor.

§ 2. 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. That every dog or slut running at large contrary to the provisions of this ordinance, shall be killed by or under the directions of the city marshal, and for which he shall be paid out of the city treasury twenty-five cents for each dog or slut so killed.

§ 4. That no person shall, in any way, prevent or attempt to prevent the city marshal, or any person 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 offense.

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

§ 6. That the mayor may, from time to time, on an alarm of mad dogs, in his discretion prohibit, by notice in some public newspaper or by proclamation, all dogs from running at large within the limits of the city, without a muzzle, and may appoint deputy marshals with authority to kill all dogs or sluts running at large within the city, without such muzzle; and such prohibition shall remain in force until the mayor shall give public notice of the discontinuance thereof.

§ 7. *Be it ordained by the City Council of the City of Amboy,* That all orders, ordinances or resolutions, heretofore passed by the president and trustees of the corporate town of Amboy, and in any manner conflicting herewith, are hereby repealed.

Passed April 14, 1857.

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## LICENSES.

### An Ordinance concerning Licenses.

*Be it ordained by the City Council of the City of Amboy:*

§ 1. That no person or persons shall hereafter have or keep any tavern, grocery, victualing house or other house or place within the city, for the selling or giving away wines or other liquors of any kind, whether ardent, vinous or fermented, in quantities less than one gallon, without a license for that purpose, duly obtained by him, her or them, in conformity with the provisions of this ordinance.

§ 2. The mayor of said city be and is hereby authorized to grant license for the sale of spirituous, vinous and fermented liquors to any person who shall apply therefor to him, in writing, upon such person executing to the city of Amboy a bond with at least two sureties to be approved by the mayor in the penal sum of six hundred dollars, conditioned that the party so licensed shall faithfully observe and keep all ordinances heretofore passed, or to be passed during the period of such license, and that he or she will not keep open his or her bar or place for the sale of such liquors, nor sell, give away, or in any manner deal in, by himself, herself, servant or any other person, any spirituous, vinous, mixed, fermented or

intoxicating liquors, upon Sunday, and that he or she will prohibit all gambling, with or without betting, by means of cards, dominoes, dice or other articles of luck or chance, and paying, for the use of the city, at the rate of three hundred dollars per annum and the usual fees to the officers entitled thereto: *Provided*, No such license shall be granted to remain in force longer than one year.

§ 3. The city council may, on a majority vote, cause the city clerk to grant licenses for the sale of lager beer, ale porter and cider, exclusively, to any party, on written application, for the sum of fifty dollars: *Provided*, He or she enter into bonds to sell no other liquor, and is otherwise made liable to all other conditions of this ordinance, the same as provided for the sale of spirituous, vinous or fermented liquors.

§ 4. Any license so granted may be revoked, upon written notice by the mayor, or whenever it shall appear to his satisfaction that the party so licensed shall have violated any provision of any ordinance of the city council relating to spirituous liquors, or of any condition of the bond aforesaid.

§ 5. No person or persons shall sell, bargain, give away or deliver any ardent spirits, or any intoxicating liquors to any child or apprentice, without the consent of his or her parent, guardian, master or mistress.

§ 6. Any person who shall sell, give away or in any manner deal in any vinous, spirituous, ardent, fermented or intoxicating liquors in less quantity than one gallon, without a license for that purpose in pursuance hereof, shall, upon conviction thereof, be subject to a fine not less than twenty-five, nor more than one hundred dollars: *Provided*, That druggists or persons whose chief business is to sell drugs and medicines shall not be deemed to be within the provisions hereof in selling quantities less than aforesaid, for purposes purely medical, mechanical or sacramental.

§ 7. All ordinances, orders or resolutions passed by the president and trustees of the corporate town of Amboy, conflicting herewith, are hereby repealed.

Passed April 14, 1857, by a two-third vote of the council.

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An Ordinance to amend an Ordinance entitled "An Ordinance concerning Licenses," passed April 14, A. D. 1857, by a two-third vote.

*Be it ordained by the City Council of the City of Amboy :*

§ 1. That hereafter no license for the sale of spirituous, vinous mixed or fermented liquors, lager beer or ale shall be granted, unless the applicant wishing such license shall first apply to the city council, by a written application signed by the

person so applying, stating in the application the kinds of liquors he wishes to sell, and the place or locality in said city where he proposes to open a house, and the length of time he wishes to take license for.

§ 2. The city council shall take a vote on such application, and if the majority shall vote in favor of the application, the city clerk shall make out the license to such person so applying, and sign the same and affix the seal of said city thereto. By such person complying with all the requirements of the ordinance of which this is an amendment in every particular only where this amendment has changed the same, and if the city council shall vote against the application of any person so applying the city clerk shall notify the applicant in writing of the same.

§ 3. *Be it ordained by the City Council of the City of Amboy,* That so much of section two (2) of the ordinance to which this is an amendment as authorizes licenses to be granted in a different manner than is provided by this amendment, be and the same is hereby repealed.

Passed August 11, 1857.

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An Ordinance to amend an Ordinance entitled "An Ordinance concerning Licenses," passed April 14, 1857.

*Be it ordained by the City Council of the City of Amboy :*

That no license shall be granted for the sale of lager beer, ale, porter and cider for a less sum than one hundred dollars per annum, and that so much of the ordinance, to which this is an amendment, as conflicts herewith, is hereby repealed.

*And be it further ordained,* That any person violating section five (5) of the ordinance, to which this is an amendment, shall be deemed guilty of misdemeanor, and shall forfeit and pay a penalty of ten dollars for each and every offense.

Passed January 5, 1858.

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### CITY MARSHAL.

An Ordinance regulating the Duties of City Marshal.

*Be it ordained by the City Council of the City of Amboy :*

§ 1. That the city marshal shall perform the duties required by this ordinance, or by any ordinance or regulation of the city council.

§ 2. The marshal, as acting head of the police, shall have and exercise a general supervision over the police department. It shall be his duty to cause the public peace to be preserved by the enforcement of ordinances and resolutions of the city council, and by the suppression of all riots and disturbances which may occur. He shall see that all the ordinances are enforced, and whenever any violation thereof shall come to his knowledge, whether by personal observation or information of others; he shall notify the city attorney and attend to the procuring of evidence for the prosecution of the same.

§ 3. All monies due the city for licenses or auction dues shall be collected by him. He shall attend to the collection of fines imposed on ball-alleys and billiard-tables, and enforce payment of monies due from the licenses of theatres, shows, museums and other entertainments of a like character. His receipt for the same shall be a discharge to the person to whom given to the extent and purport thereof; but no person shall be deemed to be licensed, in any case, until the issuing of license in due form as required by the ordinances of the city.

§ 4. If it shall come to his knowledge that any gambling, or other immorality is carried on and practiced in any house or establishment, he shall cause the ordinances in reference thereto to be enforced in the complete suppression thereof. He shall likewise see that all persons charged with crime or misdemeanor, punishable by the laws of this State, committed within this city, are brought before the proper tribunal for punishment.

§ 5. Whenever, in the execution of any duty, it shall be necessary to make any arrest or commitment, the marshal is hereby authorized to make the same, and to employ such force as may be necessary for the purpose. If any person shall resist, aid or countenance any person in resisting the marshal or any officer assisting him in the execution of any duty, or shall refuse to aid him or them, when called upon, he shall be subject to a fine not less than ten dollars, and not exceeding one hundred dollars, and to imprisonment in the discretion of the court.

§ 6. When any monies shall be paid to the marshal, on execution or by any person who may be committed on account of any fine or penalty, it shall be his duty to preserve a memorandum thereof in a book kept by him for the purpose, and deposit the same in the city treasury.

§ 7. The marshal shall deposit weekly the monies collected by him in the course of his duties, and in the kind of funds received by him, and report the same to the city council, with the treasurer's receipt therefor. The report and receipt shall state the several sources from which such monies shall have been received, the kind of funds received, and the names of the persons paying the same. The marshal shall furnish the council

with a detailed statement of all monies which may be necessarily expended by him in and about the duties of his office: *Provided*, No expenditures shall be made without the approbation of the mayor and council.

§ 8. *Be it ordained by the City Council of the City of Amboy*, That all orders, ordinances or resolutions heretofore passed by the president and trustees of the corporate town of Amboy, and in any manner conflicting herewith, are hereby repealed.

Passed April 14, 1857.

## CITIZENS.

An Ordinance on the Duty of Citizens.

*Be it ordained by the City Council of the City of Amboy :*

§ 1. That no person shall hereafter throw, place or conduct, or suffer his or her servant, child or family to throw, place or conduct into any street, alley or lot, any putrid or unsound beef, pork, fish, hides or skins of any kind, or any filth, offal, dung, dead animals, vegetables or other unsound and offensive matter whatever, or anything likely to become offensive, nor shall any person allow such filth, offal, dung or other matter as aforesaid to be or remain upon their premises or in any out-house, stable or privy, or other place owned and occupied by them, or in any alley or street in front of such premises, in such a manner as to be offensive to such neighborhood, and every person who shall violate any of the provisions of this section shall be fined in a sum not exceeding twenty-five dollars.

§ 2. No person or persons shall throw, place or deposit any dung, carrion, dead animal, offal, or other putrid or unwholesome substance or the contents of any privy upon the margin or banks, or into the water of inlet creek, within the limits of said city of Amboy, or upon any public grounds or upon any lot within the limits of said city, under the penalty of twenty-five dollars for each and every offense, and a further penalty of five dollars for each and every day the same shall be allowed to remain after a conviction for the first offense. It shall be the duty of the city marshal to cause all persons offending against the provisions of this ordinance to be prosecuted for the same.

§ 3. Every person practicing physic in this city who shall have a patient laboring under any malignant or yellow fever, small pox or other infectious or pestilential disease, shall forthwith make report thereof in writing to the mayor or city council, describing the locality of the house or place where the said patient may be located so that it may easily be found by the mayor or

city council, and for neglecting so to do, shall be considered guilty of a misdemeanor, and shall be liable to a fine of fifty dollars, and to be sued for and recovered in an action of debt in any court having cognizance thereof, with costs, for the use of said city.

§ 4. *And be it further ordained*, That whenever any physician or other person shall bring to the knowledge of the mayor, any alderman, city marshal or any other officer of the city, that any of the foregoing diseases prevail, it shall be their bounden duty to take immediate steps to avoid the spread thereof by confining the same in some proper place, so as to avoid the spread thereof, and for neglect or refusal so to do, shall be deemed guilty of a violation of duty.

§ 5. *Be it ordained by the City Council of the City of Amboy*, That all orders, ordinances or resolutions, heretofore passed by the president and trustees of the corporate town of Amboy, and conflicting herewith, are hereby repealed.

Passed April 14, 1857.

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## OFFICERS.

### An Ordinance concerning Officers.

*Be it ordained by the City Council of the City of Amboy :*

§ 1. That it shall be the duty of every collecting officer of the city to pay weekly to the treasurer all monies which he may have collected by virtue of his office, in the kind of funds received by him. They shall also report to the city council the amount of such collections, from whom collected, the kind of funds received, and the treasurer's receipt for the same; said receipt shall specify on what accounts such monies have been collected. The city clerk shall credit every officer with the amounts so deposited and reported.

§ 2. No officer shall be allowed to withhold any money collected by him for the payment of any salary or fees which may be due him. The salary and compensation of officers shall be paid quarterly by the city council, and it shall be the duty of officers to present their accounts quarterly for adjustment and payment.

§ 3. The officers of the city shall, at all times, when required, submit the books and papers of their respective offices to the inspection of the mayor or any member of the city council.

§ 4. Any officer who shall refuse or wilfully fail or neglect to perform any duty enjoined on him by any ordinance or regu-

lation of the city council, or who shall in the discharge of his official duty be guilty of any fraud, extortion, favoritism, partiality, or wilfull wrong or injustice, shall be subject to removal from office and to a fine of not less than ten dollars, and not exceeding one hundred dollars, in every case.

§ 5. Whenever any officer specially named by any ordinance to execute and carry any particular provision thereof into effect, or if the proper officer be unable or incompetent to perform such duty, it shall, nevertheless, be lawful for the mayor, in his discretion, to assign the execution thereof, in special cases, to any other officer; and such officer is hereby authorized to act in the premises as fully as if named in such ordinance. Any person who shall resist, hinder, or prevent, or aid, or countenance another in resisting, hindering or preventing any officer in the execution of any duty, or who shall refuse or neglect to observe any lawful notice or directions given by him, he and they shall be severally subject to a fine not exceeding one hundred dollars. In all cases of resistance to officers, the offenders are hereby subject to immediate arrest and commitment.

§ 6. In no suit, in which the city of Amboy shall be a party, shall any officer be entitled as against the same to any witness fees, unless such fees shall have been collected, and paid into the city treasury.

§ 7. *Be it ordained by the City Council of the City of Amboy,* That all orders, ordinances or resolutions, heretofore passed by the president and trustees of the corporate town of Amboy, and conflicting herewith, are hereby repealed.

Passed April 14, 1857.

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An Ordinance to amend an Ordinance entitled "An Ordinance concerning Officers," passed April 14, 1857.

*Be it ordained by the City Council of the City of Amboy:*

§ 1. That the ordinance concerning officers be so amended, and the same is hereby so amended as to read: The salary and compensation of officers be paid MONTHLY, instead of "quarterly," as now set forth in the second section of said ordinance.

§ 2. That so much of section two (2) of said ordinance as relates to the payment of salaries and compensation of city officers, be und the same is hereby repealed.

Passed August 18, 1857.

## FEES AND SALARIES.

An Ordinance concerning Fees and Salaries.

*Be it ordained by the City Council of the City of Amboy :*

§ 1. That the mayor and aldermen of the city shall discharge the duties of their respective offices gratuitously.

§ 2. That the city clerk shall receive 25 dollars and the following fees, to wit:

For recording and superintending the publication of all ordinances, twelve and one-half cents for every one hundred words;

For making out and superintending the publication of the annual statement of the official concerns of the city, five dollars;

For copying any paper on file in his office, fifteen cents for every one hundred words, and for attaching his certificate thereto, an additional fee of twenty-five cents, to be paid by the applicant;

For making out poll books and tally papers for city election, two dollars;

For making transcript for assessor, one cent for each lot, fractional lot, subdivision of lot and tract of land contained in said list;

For assisting the collector in selling each lot, fractional lot, subdivision of lot, and tract of land, and giving a certificate of purchase thereof, fifteen cents, to be collected as costs;

For making out a license for each dray, wagon, cart or other vehicle, fifty cents, to be paid by the applicant;

For making out all other licenses, one dollar, to be paid by the applicant;

For transferring a license he shall be entitled to the same fee as for the original to be paid by the person procuring the transfer;

For registering each dog or slut, and giving a certificate thereof, twenty-five cents;

For certifying to the slaying of each dog or slut to the treasurer, twenty-five cents.

§ 3. That the city assessor shall receive one dollar and a half for every day he shall be employed in discharging the duties of his office.

§ 4. That the city collector shall be allowed three per cent. upon all taxes collected by him and paid over to the city treasurer, and he shall be entitled to the following fees, to wit: for transcribing the assessment list, one cent for each lot, fractional lot, subdivision of lot and tract of land, to be taxed and collected as costs; for each lot or tract of land sold for taxes, six cents, to be taxed and collected as costs.

§ 5. That the city treasurer shall be allowed two and a half per cent. on all monies arising from the ordinary sources of revenue,

and one per cent. on all borrowed money, with the following fees, to wit: for each certificate of redemption, twenty-five cents, to be paid by the person redeeming.

§ 6. The marshal shall receive the following fees, to wit:

For attending each meeting of the city council, keeping up fires and keeping council chamber in order, one dollar;

For levying notices on mayor and aldermen, in case of special meeting of council, one dollar;

For making distress and sale of goods and chattels, on the collector's warrant for delinquent tax on real and personal property, he shall be entitled to the same fees as are allowed constables in criminal cases by the law of this State;

For killing and removing beyond the limits of the city every dog or slut, one dollar.

§ 7. That the city engineer and surveyor shall be allowed two dollars per diem for every day's service for the city, with the following fees, to wit:

For surveying every private lot in said city, making corners, and giving certificate thereof, the sum of one dollar;

For surveying, making corners, and giving certificate as above, and subdividing the lot, an additional fee of twenty-five cents for each subdivision;

For designating the line or grade of any street, lane, avenue or alley, on which any person is desirous of building a house or erecting a fence, grading or making a sidewalk, or when a sidewalk is ordered by the city council to be made, the sum of fifty cents for each grade so designated—the whole of said fees to be paid by the applicant or owner of the lot.

§ 8. That the street commissioner shall receive one dollar and fifty cents for every day employed in performing the duties of his office.

§ 9. That the city attorney shall receive a salary of fifty dollars, and he shall be entitled to a fee of one dollar on each and every conviction before any city magistrate or any justice of the peace within said city.

§ 10. *Be it ordained by the City Council of the City of Amboy,* That all orders, ordinances or resolutions, heretofore passed by the president and trustees of the corporate town of Amboy, and conflicting herewith, are hereby repealed.

Passed April 14, 1857.

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An Ordinance to amend an Ordinance entitled "An Ordinance concerning Fees and Salaries," passed April 14, 1857.

*Be it ordained by the City Council of the City of Amboy:*

That so much of section six (6) as now provides in such ordinance for the city marshal's fees for keeping up fires and keeping council chamber in order, is hereby repealed.

Passed January 5, 1858.

## PUBLIC PEACE.

An Ordinance in relation to Offenses affecting Public Peace and Quiet.

## OFFENSES AFFECTING PUBLIC PEACE AND QUIET.

*Be it ordained by the City Council of the City of Amboy :*

§ 1. That any person who shall make, aid countenance, or assist in making any improper noise, riot, disturbance, breach of the peace, or derision in the streets or elsewhere within the city, and all persons who shall collect in bodies or crowds for unlawful purposes, or for any purpose, to the annoyance or disturbance of citizens or travelers, shall be severally subject to a fine of not less than one dollar nor exceeding twenty-five dollars.

§ 2. Any person who shall disquiet or disturb any congregation or assembly met for religious worship, by making a noise, or by rude and indecent behavior or profane discourse within their place of worship, or so near the same as to disturb the order and solemnity of the meeting, shall be subject to a fine of not exceeding twenty-five dollars.

§ 3. Any person who shall wilfully give or make a false alarm of fire, or watch, or who shall employ any bell man, or use or cause to be used any bell, horn or bugle, or other sounding instrument, or who shall employ any device, noise or performance tending, in either case, to the collection of persons on the streets, sidewalks, or other public place, to the obstruction of the same for any purpose whatever, without permission of the mayor, in writing, shall be subject to a fine not exceeding twenty-five dollars.

## OFFENSES AFFECTING STREETS AND PUBLIC PROPERTY.

§ 1. *And be it further ordained,* That no person shall dig any hole, drain or ditch in any street or alley in the city, without having first obtained written permission from an alderman or street commissioner of the ward in which the same may be, under penalty of twenty dollars for each offense, and a like penalty for every day or part of day the same may remain unfilled.

§ 2. Any person who shall, without having first obtained a written permission from the street commissioner or an alderman of the ward in which the same may be, dig, remove or carry away, or cause or procure the same to be done, any sod, stone, sand or gravel from any street, alley or public ground, in this city, shall be subject to a fine of not exceeding fifty dollars, nor less than ten dollars for each offense, and every load or parcel removed shall be deemed a separate offense.

§ 3. Any person who shall injure or tear up any pavement, side or cross-walk, drain or sewer, or any part thereof, or who shall dig any hole, ditch or drain in any street, pavement or sidewalk, without due authority, or who shall hinder or obstruct the making or repairing of any pavement, sidewalk or cross-walk which is or may be making under any ordinance or resolution of the city council, or who shall hinder or obstruct any person employed by the city council or the street commissioner or the person employed by him in making or repairing any public improvement or work ordered by the city council, shall for every offense be subject to a fine of not less than ten dollars, nor exceeding fifty dollars.

§ 4. Any person who shall injure or destroy, or assist in injuring or destroying any bridge or its appurtenances, or any fire engine house, or any other public building or property belonging to the city, shall be subject to a fine not exceeding five hundred dollars and to the payment of all damages.

§ 5. Any person who shall hitch or fasten any horse or other animal to any fence, railing, ornamental or shade tree, or to any lamp post, or who shall injure or destroy any ornamental or shade tree, shrub, lamp post, fence, railing in or upon any public ground, street, alley or other public place, or upon any private premises, shall, in every case, be subject to a fine of not less than five dollars, nor exceeding one hundred dollars.

§ 6. No person shall vend, give or deliver, within this city, any deadly poison, knowing the same to be such, without marking the same in legible characters—"Poison"—under a penalty of five dollars for each offense.

§ 7. No person shall throw or cast any stone or any other missile upon or at any building, tree or other public or private property, or upon or at any person in any street, avenue, alley, lane, public place, or inclosed or uninclosed ground in the city, or aid or abet in the same, under a fine for each offense of not less than five dollars, nor more than twenty-five dollars.

§ 8. No person shall leave any horse or horses or other animals attached to any carriage, wagon, cart, sleigh, sled or other vehicle in any of the streets, avenues, alleys or lanes of the city, without securely fastening such horse or horses or other animals, under a penalty for each offense of not less than two dollars, nor more than ten dollars.

§ 9. Any person who shall use any sport or exercise likely to scare horses, injure passengers, or embarrass the passage of vehicles, shall be subject to a fine not exceeding twenty-five dollars.

§ 10. Any person who shall keep up or leave open any cellar door or grating of any vault on any highway or sidewalk, or suffer any sidewalk in front of his premises to become or continue so broken as to endanger life or limb, shall be subject to a fine not exceeding fifty dollars, in every case.

## IMPRISONMENT.

§ 11. *And be it further ordained*, That in all cases arising under this ordinance, punishable as misdemeanors by the laws of this State, the court or magistrate before whom conviction may be had shall have power, in addition to the penalty of fine, to cause the offender to be imprisoned for a period not exceeding three months, in their discretion.

§ 12. *Be it ordained by the City Council of the City of Amboy*, That all orders, ordinances or resolutions, heretofore passed by the president and trustees of the corporate town of Amboy, and in any manner conflicting herewith, are hereby repealed.

Passed April 14, 1857.

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 MISDEMEANORS.

An Ordinance concerning Offenses in the nature of Misdemeanors.

OF VAGRANCY AND OFFENSES AGAINST GOOD MORALS AND DECENCY.

*Be it ordained by the City Council of the City of Amboy :*

§ 1. That any person able to work and support himself in an honest and respectable manner, not having the wherewithal to maintain himself, who shall be found loitering and strolling about in any street, alley, common or any public or private place within the city, or who shall be an idle or dissolute person, or who shall go about begging in any part of the city, not having any regular, lawful business, or who shall occupy, for the purpose of lodging or any other purpose, any barn, shed, shop or railroad car, other than such as is kept for that purpose, without permission of the owner or party entitled to the possession thereof, or who shall lead an idle, immoral, profligate course of life, shall be deemed a vagrant, and upon conviction thereof before any court having jurisdiction, shall be fined in a sum of not less than five dollars, nor more than fifty dollars, and as a part of said judgment, unless said fine be paid, shall be ordered to be committed to labor on the streets and alleys of said city, or to the city bridewell, until such fine be paid by due course of law.

§ 2. If any person shall be guilty of keeping or maintaining, or shall be an inmate of, or in any way connected with, or in any way contribute to the support of any disorderly house of ill fame or place for the practice of fornication, or knowingly own or be interested as proprietor or landlord of any such

house, shall, on conviction, be fined in a sum not exceeding one hundred dollars, and in the further sum of one hundred dollars for every twenty-four hours the said house shall be continued after the first conviction or after any such person shall be ordered by any member of the city council, the city marshal, or any police constable, or any fire constable, to suppress, restrain or discontinue the same.

§ 3. No person or persons shall indecently exhibit any stud-horse within the limits of the city, unless in some inclosed place out of public view. Any person or persons guilty of so exhibiting any stud-horse, unless as aforesaid, shall, on conviction, pay a sum of not less than five dollars, nor more than one hundred dollars for each and every offense.

§ 4. If any person shall be 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 act or exposure of his or her person, or be guilty of any lewd or indecent 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, he shall be subject to a fine of not less than twenty dollars, nor exceeding one hundred dollars.

§ 5. If any person shall inhumanly, unnecessarily or cruelly beat, injure or otherwise abuse any dumb animal, he shall be subject to a fine not exceeding twenty dollars in any case.

§ 6. If any person shall be drunk or shall be in a state of intoxication in any highway, street, thoroughfare or public place within the city, or in any private house or place, to the annoyance of any citizen or person shall solicit any alms from any person, without written permission from the mayor or some other officer of the city, he shall be deemed guilty of a misdemeanor, and, on conviction, pay a fine not exceeding twenty-five dollars.

§ 7. No person shall have, keep or permit to be used in any building or place within the city, used, occupied or controlled by such person, any E. O. table, keeno table, faro bank, shuffle board, bagatelle, playing cards, or any other instrument, device or thing used for gambling, whereon or with which money, liquor or other article shall in any manner be played for, under a fine not exceeding fifty dollars.

§ 8. If any person or persons shall keep a disorderly or gaming house, such person or persons shall for each and every offense forfeit and pay a penalty of twenty-five dollars, and also the further penalty of twenty-five dollars for every forty-eight hours during which such person or persons shall continue to keep the same after the first conviction for any violation of this section.

§ 9. The mayor, or any alderman, the city marshal, or any policeman of this city may seize, or direct to be seized, any instrument, device or thing used for the purpose of gaming, or

by, on or with which money or other articles of value may be lost or won, and all such instruments, devices or things may be demolished or destroyed under the direction of the mayor. Any person obstructing or resisting the mayor, aldermen, city marshal, or any policeman in the performance of any act authorized by this or the following section, shall be fined in a sum not exceeding one hundred dollars.

§ 10. If the owner or keeper of, or any person within any gambling house or room or disorderly house, or any house of ill-fame, within this city, shall refuse to permit the mayor, any alderman, the city marshal or any city constable to enter the same, it shall be lawful for the mayor or any alderman to enter or cause the same to be entered by force, by breaking the doors or otherwise, to arrest, with or without warrant, all suspicious persons found therein.

§ 11. *Be it ordained by the City Council of the City of Amboy,* That all orders, ordinances or resolutions, heretofore passed by the president and trustees of the corporate town of Amboy, and conflicting herewith, are hereby repealed.

Passed April 14, 1857.

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## BILLIARD-SALOONS AND BALL-ALLEYS.

An Ordinance in relation to Billiard-Saloons and Ball-Alleys.

*Be it ordained by the City Council of the City of Amboy :*

§ 1. That no person or persons shall keep, within the limits of the city, any billiard-saloon or ball-alley, unless he shall have obtained a license from the mayor of the city so to do.

§ 2. Every person obtaining a license to keep a billiard-saloon shall pay into the city treasury the sum of twenty dollars per annum for each table so used in such saloon.

§ 3. Every person obtaining license to keep a ball-alley shall pay into the city treasury the sum of twenty dollars per annum for each track used in such alley.

§ 4. Every person obtaining a license under the foregoing sections shall file a bond in the clerk's office, with such sureties as the mayor may approve in the penal sum of two hundred and fifty dollars, that he will prohibit any gambling, drinking or other disorderly conduct whereby the peace and good order of the city may be disturbed.

§ 5. *Be it ordained by the City Council of the City of Amboy,* That all orders, ordinances or resolutions heretofore passed by the president and trustees of the corporate town of Amboy, and conflicting herewith, are hereby repealed.

Passed April 14, 1857.



unknown, a blank shall be left for the entry thereof by the assessor; and it shall be the duty of the assessor to fill the blank whenever he can ascertain the name of the owner. If any real estate shall be omitted by the clerk, or if it should be desirable for the convenience of the owners, the sub-division of any lot or other real estate should be made on the roll; in either case it shall be lawful for the assessor to enter such real estate and make such sub-division: *Provided*, The assessor, in the valuation of such lots, shall estimate the value of such interests only as the party may have therein, including the improvements thereon.

§ 3. The following may be the form of the assessment roll, to wit:

## ASSESSOR'S ROLL.

"A list of the taxable lots, parts of lots, and other real estate situated and being in the city of Amboy, with the assessor's valuation thereof for the year eighteen hundred and fifty —:

## ORIGINAL TOWN—(or as the case may be.)

Name of owner.	Description.	Lot.	Block.	Valuation.	Corrected valuation
A. E. Wilcox.	South 20 ft. of	1	2	\$300 00	\$325 00

The taxable lands, if any, shall be placed at the end of the roll, and it shall be the duty of the clerk therein to rule columns appropriate for the entry thereof.

§ 4. The following real estate within the city shall be exempted from assessment and taxation: 1st. Real and personal property of the United States; 2d. Lands belonging to the school fund; 3d. School-houses, court-houses, jails, and the land whereon situated; 4th. All property which is or may be exempt by special law, and all city and county lands and buildings set apart for city or county purposes; 5th. Buildings erected for religious worship, and the pews and furniture within the same, and the land whereon situated, not exceeding ten acres; 6th. Burial grounds and lots; 7th. Buildings erected for the use of any literary, religious, benevolent, charitable or scientific institution, and the lands whereon situated, not exceeding ten acres; also the personal property belonging to any such institution, or connected with or set apart for the use thereof. If any real estate exempt hereby shall be entered in the roll, it shall be the duty of the assessor to mark opposite thereto, in the proper line, "*exempted from taxation.*" And any tax which shall be assessed or levied upon any such property shall be void: *Provided*, Assessments for benefits shall not be deemed a tax within the meaning of this section.

§ 5. The city clerk shall rule columns in the assessment rolls for the entry of personal estate subject to taxation. The names of owners of taxable personal property shall be entered by the assessor in alphabetical order, and the said roll may be in the following form:

“ A list of the taxable personal estate in the city of Amboy, with the names of the owners and the valuation thereof, for the year eighteen hundred and fifty — : ”

Names.	Money loaned and on hand.	Goods and capital employed in merchandising.	Carts and wagons.	Carrriages.	Cattle.	Clocks and Watches.	Horses and mules.	Sheep.	Stocks.	Other personal estate.	Total value.	Corrected value.

§ 6. The assessor shall, on being provided with the rolls aforesaid, proceed without delay to ascertain the value of all real and personal property in the city, by going, when practicable, to every owner of such property. He shall be governed in his valuation by the cash value of the property, and if he shall deem it necessary, he may require every owner to give in under oath either by himself or agent, a list and description of all his real estate, with the improvements thereon, together with the value thereof, and a list and description of every species of personal estate enumerated in the fifth section of this ordinance, with the separate value thereof. The assessor shall, in the presence of such person, enter the same in his book, and value each lot and parcel of real estate and each species of personal property separately, placing the description and value opposite the name of the person owning or listing the same. In estimating the value of capital employed in merchandising, the assessor shall adopt as a criterion of the value thereof the value of the average amount of goods and capital on hand and employed in business during the year. When the assessor shall have completed his assessment, he shall add up the several columns of his roll and carry the several amounts forward, so as to show at the end thereof the total valuation of real and personal estate respectively.

§ 7. If the assessor shall not be able to find the owner of any real or personal estate in the city, or any person shall refuse to take the oath when required by the assessor, or shall give in less than the real and true value of his property, or shall refuse to deliver a list of his taxable property when called on for that purpose, the assessor shall, in every such case, assess the value

of the property of such person according to the best information he can procure. Personal property shall be assessed to the owner or person in possession thereof. Any real or personal estate which shall be omitted in the assessment of any year or years, shall, when discovered by the assessor, be noted in the roll, and shall be assessed with the arrearages of taxes and interest thereon at six per cent. from the time the same should have been paid.

§ 8. When the assessor shall have completed his assessment, he shall sign the rolls and return the same to the city council on or before the first Monday of August in each year, unless further time shall be given for that purpose.

## ASSESSOR'S RETURN.

"ASSESSOR'S OFFICE,  
Amboy, ———, 185 . }

I, the undersigned assessor of the city of Amboy, do certify and return to the city council, that the foregoing is the revised and corrected assessment roll of taxable real and personal estate in said city for the year eighteen hundred and fifty —.

A. B., Assessor."

§ 9. On the return of said roll, the city council shall fix a day for hearing objections thereto, and the city clerk shall give notice of the time and place of hearing the same, when and where all persons feeling themselves aggrieved by the assessment of their property may appear at the time specified and make or file their objections, which notice may be in the following form :

## ASSESSMENT ROLL.

"CITY CLERK'S OFFICE,  
Amboy, ———, 185 . }

Public notice is hereby given, that the assessment roll of taxable real and personal estate in the city of Amboy, for the year 185 , has been completed, and returned to the city council by the assessor. All persons feeling themselves aggrieved by the assessment of property are hereby requested to make or file their objections in my office on or before the — day of — next (or "inst.") at which time the same will be heard.

—————, City Clerk."

The said rolls may be referred by the city council to a committee for the purpose aforesaid, but all corrections or alterations shall be reported to the city council for its final action thereon.

§ 10. When said roll shall have been revised and corrected by the city council, the same shall be filed, and an order of

confirmation shall be entered, which order may be in the following form:

CONFIRMATION OF ASSESSMENT.

"The assessment roll for the city, for the year 185, having been duly made and returned by the assessor, and revised and corrected by the city council, after due notice to persons aggrieved thereby and full hearing of all objections thereto, it is hereby

*Ordered*, That the said roll and the assessment therein contained, as received and corrected by the city council, be and the same are hereby confirmed, and that a warrant issue for the collection of the taxes which may be assessed thereon.

§ 11. The city council shall therefore, by an ordinance or resolution, levy upon the real and personal estate described in said roll, such sum or sums as may be required for any purpose for which they may be authorized to levy a tax.

ARTICLE II. OF THE COLLECTION OF TAXES.

*Be it ordained by the City Council of the City of Amboy:*

§ 1. That before entering on the duties of his office, the collector shall take the oath of office required by law, and execute and deliver, in the presence of the mayor and clerk, a bond with two or more sureties to be approved by the city council, and in a penalty to be prescribed by the said city council. Said bond shall be filed in the clerk's office.

§ 2. It shall be the duty of the city clerk immediately after the passage of an ordinance levying taxes, to make out and deliver to the collector a warrant for the collection thereof. The warrant shall contain a full and perfect copy of the assessment roll with additional columns ruled therein for the levy of each tax which may be levied by the city council. It shall be the duty of the clerk to compute the several taxes, and place the same in the proper column opposite to the person or property chargeable therewith. A column shall likewise be ruled in the warrant for the entry of payment when the collector shall receive the amount of the taxes. The said warrant shall be made to and delivered to the collector within four weeks after the confirmation of the roll, unless further time shall be allowed, returnable within ninety days from the date thereof. It may be in the following form:

WARRANT.

"STATE OF ILLINOIS, }  
*City of Amboy,* }  
*The People of the State of Illinois to the Collector of the City of Amboy,* GREETING:

Whereas, the city council of the city of Amboy, did on the

— day of —, 185 , levy and assess upon the assessed value for the year eighteen hundred and fifty —, of the real and personal estate hereinafter described, the several sums set opposite thereto in the appropriate column, respectively, for city — and taxes of the city of Amboy, for the municipal year eighteen hundred and fifty —, as follows :

(Here insert a perfect copy of the assessment roll.)

Now, therefore, you are hereby commanded to make, levy and collect the said several sums of money set opposite to the real and personal estate described as the taxes thereon for the year aforesaid, of the goods and chattels of the respective owners of said real and personal estate, and hereby make due return in what manner you shall execute this warrant within ninety days from the date thereof.

Witness, —, Mayor of the city of Amboy,  
 [L. s.] and the corporate seal thereof, this — day  
 of —, 185 .

Attest : —, *City Clerk.*" —, *Mayor.*

§ 3. In describing real estate, or in stating the amount of taxes, severally or collectively, upon any real or personal estate, figures may be used in any roll, warrant, or other proceeding, in reference to the assessment and collection of taxes.

§ 4. On issuing any warrant for taxes, it shall be the duty of the clerk to take a receipt from the collector, in a book to be kept for that purpose termed the warrant book. The collector, on receipt of the warrant, shall forthwith proceed to collect the taxes therein charged, by calling upon each person therein mentioned, or who may be chargeable therewith, so far as it may be practicable, and demanding payments thereof. He shall likewise publish a notice for ten days in the corporation paper, of the delivery of such warrant, and requesting payment of the taxes. The collector shall have power, by virtue of said warrant, to distrain and sell the personal goods and chattels of any person chargeable with any real or personal tax, in payment thereof, together with costs, who shall neglect to pay the same for a period of ten days after the publication of said notice, when no personal demand shall have been made, or who shall refuse to pay such taxes on demand.

§ 5. Previous to any sale by the collector of any goods distrained by him, he shall give at least ten days' notice of the time and place of sale with a description of the goods and chattels to be sold, and the amount of taxes and cost for which the sale may be made. Such notice shall be posted in at least three public places in the city. The sale shall be made at public auction, and no more property (if practicable) shall be sold than will be sufficient to pay the taxes and costs. The surplus, if any, arising from the sale shall be returned to the owner of

such property. For levying and selling, by virtue hereof, the collector shall be entitled to the fees allowed by law to constables for like services.

§ 6. Whenever any tax shall be paid to the collector, he shall mark the word "paid" on the face of the warrant opposite to the real or personal estate charged therewith, and give a receipt for the same to the person making such payment. The collector shall pay into the city treasury all monies collected by him as fast as collected, and at least as often as every Monday, the like funds collected by him. He shall likewise report the amount of such collection at the ensuing meeting of the city council after making such deposit, with the treasurer's receipt. All monies deposited by the collector shall be credited to him by the clerk.

§ 7. The city council may from time to time extend the return day of any warrant, by resolution. On the return thereof, it shall be the duty of the collector to make return thereof to the city council, which return may be in the following form:

RETURN OF WARRANT.

"CITY COLLECTOR'S OFFICE, }  
Amboy, ———, 185 . }

STATE OF ILLINOIS, }  
City of Amboy, }

The undersigned, collector of the city of Amboy, makes return to the city council of the within and foregoing warrant, that he has collected the taxes on all the real and personal estate described in said warrant, opposite to which, in the appropriate column, the word "paid" is written; that a demand of payment has been made of the several other taxes not marked paid in every case, of the persons mentioned in said warrant as liable to the payment thereof, when such person or delinquent could be found in said city, and that he has not been able to find any personal property belonging to them, or either of them, subject to the payment thereof; he therefore returns the said warrant unsatisfied as to all taxes not marked "paid" on the face of the said warrant.

—————, *City Collector.*"

§ 8. On the return of any warrant unsatisfied, in whole or in part, as to any taxes on real estate, an order shall be made by the city council for the sale of the real estate on which the taxes so remain unpaid. The order shall describe the several lots, parts of lots, and other real estate, with taxes due thereon as fully as the same are set forth in the warrant, and shall be entered at large in the records kept by the city clerk. Such order may be in the following form:

## ORDER OF SALE.

"Whereas, the warrant issued on the — day of —, A. D. 185 , for the collection of the taxes levied by the city council for the city of Amboy, on the assessed value of taxable real and personal estate in said city for the municipal year eighteen hundred and fifty —, has been returned by the city collector unsatisfied as to the following described lots, parts of lots, and real estate not marked "paid" in the said warrant, to wit:

*(Here describe the real estate, with the taxes thereon, as fully as the same are set forth in the warrant.)*

It is therefore ordered by the city council, that the collector forthwith advertise and sell the said lots, parts of lots, and real estate for the taxes and costs due thereon, respectively, and make a report of such sale to the city clerk."

§ 9. A certified copy of such order, signed by the clerk, under the corporate seal, shall be written upon or otherwise attached to the collector's warrant by the city clerk, within a reasonable time after such order shall be made, which order, with said warrant, shall constitute the proceeds upon which the collector shall sell the real estate described therein. The collector shall therefore advertise the same for sale in the corporation paper for the period of thirty days from and after the first publication of the notice, describing the same by figures, or otherwise, with the name of the owner, when known, with the several amounts of taxes thereon. Said notice shall also contain the time and place of sale, and shall be published at least four times. The time fixed for selling shall not be later than the 25th day of January in any year, without a special order of the council. The notice may be in the following form:

## CITY TAX SALE.

"CITY COLLECTOR'S OFFICE, }  
Amboy, —, 185 . }

Public notice is hereby given, that in pursuance of an order of the city council of the city of Amboy, made on the — day of —, 185 , the subscriber will, on the — day of January next, commencing at the hour of ten o'clock, A. M., at the —, sell at public auction the smallest portion of the lots, parts of lots, and real estate hereinafter described, for which any person will pay the sums respectively set opposite to each, being the taxes assessed thereon by the city council for the several purposes named for the municipal year 185 , together with the expenses attending the sale, to wit:

*(Describe the real estate, with the taxes thereon, as fully as set forth in the order and warrant.)*

Twenty-five cents will be added as costs and expenses on

each lot, part of lots, and real estate, if the taxes thereon shall not be paid before the day of sale.

\_\_\_\_\_, *City Collector.*"

§ 10. The collector shall attend at the time and place of all sales mentioned in said notice, and then and there offer each piece of land, so advertised, for sale, on which the taxes shall not have been paid previously thereto. And if any collector shall fail to be present at the time and place aforesaid, he shall be liable to the city for all damages which it may sustain by reason of such default. The sale shall be made for the least quantity of land for which any person will pay the taxes and costs thereon, to be taken from the east side thereof. The purchaser shall forthwith pay to the collector the amount due; and in case of failure so to do, the lot shall be again offered for sale. The sale may be continued from day to day until all the lots be sold. Every purchaser shall be entitled to a certificate of purchase which shall contain a description of the property bought by him, the taxes and costs thereon, and shall specify the time when the right to redeem will expire; a duplicate of which certificate shall be filed in the clerk's office. The collector shall be entitled to the same fees for selling as are allowed by law for similar services.

§ 11. It shall be the duty of the collector to keep an accurate record of the sales of real estate made by him in pursuance hereof, and make return of such sales, together with the said warrant and order of sale, on or before the tenth day of February in each year. The collector shall procure and file, with his said return, a copy of the notice of sale, with the certificate of the corporation printer, that said notice was published in the corporation paper at least four times; that the first publication was made on the \_\_\_\_ day of \_\_\_\_, 185 . On the return of said sales, the city clerk shall record the same in the record book for the entry of tax sales. On the redemption of any lot, the city clerk shall make an entry thereof on the face of the record, and make a special deposit of the redemption money in the treasury. He shall likewise keep an accurate account of all monies so received by him; and on every redemption so made, he shall be entitled to a fee of fifty cents, to be paid by the party making the same. The treasurer shall keep an account of all monies so deposited by the clerk, and report the same in his monthly statement to the council.

§ 12. If any taxes on personal estate, included in any warrant, shall be unpaid on the return day thereof, a warrant may be issued for the collection thereof in the warrant book first issued, which may be made returnable on or before the tenth day of February thereafter; which warrant shall authorize the collection of the taxes on the personal estate returned as unpaid in the original warrant. The collector shall make a final settle-

ment of the taxes with the finance committee as soon after the tenth day of February in each year as said committee may require. In such settlement the collector shall be charged with the whole amount of the real and personal tax placed in his hands for collection, but shall be entitled to a credit for such part of the taxes on personal estate, to be specified in a list to be prepared by the collector, as the committee shall be satisfied, from the affidavit of the collector and other evidence, are wholly uncollectable and could not have been collected: *Provided*, If any part of the collectable personal tax shall be uncollected at the time of such settlement, the said collector is hereby authorized to collect the same for his own benefit, on a warrant to be issued to him for that purpose.

§ 13. If any clerk, collector, or other officer upon whom any duty is imposed by this ordinance, shall neglect or refuse to perform the same, or shall be guilty of any malfeasance or misfeasance in the performance thereof, he shall be subject to removal from office, and to a fine of not less than ten dollars nor more than one hundred dollars, in the discretion of the court.

Passed May 5, 1857.

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An Ordinance to amend an Ordinance entitled "An Ordinance concerning Assessment and Collection of Taxes," passed May 5, 1857.

*Be it ordained by the City Council of the City of Amboy :*

§ 1. That in all cases where taxes assessed on real estate by the corporate authorities of the city of Amboy are not paid within the time fixed by the ordinance to which this is an amendment, it shall be lawful for the collector of the city, after giving notice of such application, by advertisement, at least thirty days previous to such application in some newspaper published in said city, to apply to the county court of the county of Lee, and apply for judgment to be entered against such delinquent real estate for the amount of taxes due and unpaid and costs; and the said county court shall proceed to hear and determine said application, and render judgment against said delinquent real estate in the same manner; and said judgment shall have the like effects as though said delinquent list had been returned to the county court by the sheriff or collector of the county, in the collection of the state and county taxes; and the county court shall issue its precepts or order to the collector of the city of Amboy, directing him to sell said real estate at public auction, to pay said delinquent taxes and costs.

§ 2. *Be it ordained by the City Council of the City of Amboy*, That all orders, ordinances, or parts of ordinances, or resolutions, heretofore passed and conflicting herewith, be and the same are hereby repealed.

Passed September 8, 1857.

## WAGONS, CARTS, AND DRAYS.

An Ordinance licensing and regulating Wagons, Carts and Drays in the City of Amboy.

*Be it ordained by the City Council of the City of Amboy :*

§ 1. That no person shall charge, receive, or demand pay for the hauling or transportation of any article whatever, except brick, sand, mortar, stone, square and round timber, or any building material in or upon any wagon, cart, dray or other vehicle within the limits of the city of Amboy, unless the owner of any such wagon, cart, dray or other vehicle be licensed as hereinafter provided.

§ 2. It is hereby made the duty of the clerk of the city council to make out licenses for carrying on the business of hauling for hire, within the city limits, for the term of one year, to such persons as may apply for the same, upon the following terms and conditions, to wit: The applicant for such license shall give his name and place of residence to the clerk, who shall register the same in a book to be kept for that purpose, together with the number of the wagon, cart or dray or other vehicle intended to be licensed; and the said applicant shall pay into the city treasury the sum of ten dollars.

§ 3. All licenses issued by virtue of this ordinance shall be signed by the mayor, under the seal of the city, and attested by the city clerk.

§ 4. That each and every wagon or other vehicle, licensed as aforesaid, shall bear its number as registered, in plain and conspicuous figures in paint, each figure not less than two inches in length, on the outside of the near shaft, if it be a cart or a dray, and on the body if it be a wagon. And any person who shall refuse or neglect to keep his wagon, cart, dray or vehicle numbered as is required by this section, shall, on conviction thereof, forfeit and pay the sum of five dollars, and the further sum of three dollars for each and every day he shall use any such wagon, cart, dray or other vehicle without being numbered as aforesaid.

§ 5. That all persons taking out such licenses shall be responsible for all goods, wares and merchandise delivered to their care, or to the care of any driver or person having charge of such licensed wagon, cart, dray or other vehicle.

§ 6. That if any owner, driver, or person in charge of any wagon, cart, dray or other vehicle, licensed as aforesaid, shall, whilst unemployed and in any street or alley within the city, refuse to haul a load or loads for any person who shall tender the regular fee therefor, he shall forfeit and pay the sum of five dollars.

§ 7. That all licenses issued by virtue of this ordinance

shall expire in one year from the day the same may be granted; but in case the person to whom a license may have been granted has previously had a license for the same purpose, and which shall have expired before the granting of a new one, the said license shall be dated back to the time his former one expired: *Provided*, The person obtaining the license has been engaged in the business of hauling, after the expiration of his said former license.

§ 8. That licenses issued under this ordinance may be transferred with the vehicle licensed; but in all such cases the person to whom the license is intended to be transferred, shall have the same registered in the clerk's office.

§ 9. That the fee allowed to draymen, and others licensed under this ordinance, shall be as follows, to wit:

For hauling each load the distance of four blocks, or under, the sum of fifteen cents;

For hauling each load any distance over four blocks, and not exceeding eight blocks, the sum of twenty cents;

For hauling each load over eight blocks, and within the limits of the city, the sum of twenty-five cents.

§ 10. That if any owner, driver or person having charge of any licensed wagon, cart, dray or other vehicle, shall charge, receive or demand any higher fee or charge than is allowed by this ordinance, he shall forfeit and pay the sum of five dollars for each and every offense.

§ 11. That any person who shall, without license as required by this ordinance, demand, charge or receive any sum of money for hauling, within the limits of the city, or for the hire or use of such wagon, cart, dray or other vehicle, for the purpose of hauling goods, and other articles, shall forfeit and pay a sum of not less than one nor more than five dollars for each and every offense.

§ 12. That this ordinance shall not apply to persons coming to market with teams, who shall transport for pay, or hire, any article from the city, to any place without the same, nor to any wagon, cart, dray or other vehicle employed on any public improvement of the city, nor to any of said vehicles employed in digging cellars and foundations where buildings are to be erected: *Provided*, Said vehicles are not used for other purposes of hire while so employed.

§ 13. *Be it ordained by the City Council of the City of Amboy*, That all orders, ordinances or resolutions heretofore passed by the president and trustees of the corporate town of Amboy, and conflicting herewith, are hereby repealed.

Passed May 5, 1857.

## CATTLE.

An Ordinance to prohibit Cattle running at large within the City Limits.

*Be it ordained by the City Council of the City of Amboy :*

§ 1. That no bull or bulls shall be permitted to run at large in the city, at any time ; and if found running at large, each and every animal shall be impounded in the common pound, from whence they shall not be released until the owner or owners thereof, or some other person shall pay to the pound-keeper the sum of one dollar for his fees, in receiving and discharging or selling each and every such animal so impounded, and the sum of fifty cents for the suitable and proper sustenance of each and every such animal for every twenty-four hours the same shall be kept ; and such owner shall be subject to a penalty of ten dollars for every such animal so found running at large.

§ 2. That no cow, cows or other neat cattle shall be allowed to run at large in the city, from the first day of November until the first day of April in each and every year, and if found running at large during this time, each and every of such animals shall be impounded in the common pound, from whence they shall not be released until the owner or owners, or some other person shall pay to the pound-keeper the sum of fifty cents for his fees, in receiving and discharging or selling each and every such animal so impounded, and the sum of twenty-five cents for the suitable and proper sustenance of each and every such animal for every twenty-four hours the same shall be kept ; and such owner or owners shall be subject to a penalty of three dollars for every such animal so running at large.

§ 3. *Be it ordained by the City Council of the City of Amboy,* That all orders, ordinances or resolutions, heretofore passed by the president and trustees of the corporate town of Amboy, and conflicting herewith, are hereby repealed.

Passed May 19, 1857.

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An Ordinance.

*Be it ordained by the City Council of the City of Amboy :*

§ 1 That for a violation of all ordinances not otherwise provided for, the police magistrate or justice of the peace, before whom an action is about to be commenced, shall, on the oath or affirmation of any citizen that an ordinance of said city has been violated, issue a warrant, which may be in the following form :

'STATE OF ILLINOIS, }  
*Lee County,* } ss.

*The People of the State of Illinois to the Marshal, or any Constable of said County,* GREETING :

You are hereby commanded to take the body of ——— and bring him forthwith before me to answer the complaint of the city of Amboy, for a failure to pay a certain penalty not exceeding one hundred dollars, for violating an ordinance of said city, and hereof make due return as the law directs.

Given under my hand and seal, this ——— day of ——— 1857.  
 Signed, \_\_\_\_\_, J. P." [L. s.]

§ 2. That upon all judgements in actions brought by the city of Amboy, it shall be lawful for the police magistrate or justice of the peace forthwith to issue an execution against the goods and chattels, or body of the defendant or defendants, at the election of the city attorney.

§ 3. That in all cases where execution is issued against the body of the defendant or defendants, he or they shall be forthwith committed to the city bridewell, at one dollar per day until the fine and costs shall be satisfied; and the officer making the arrest shall, in that event, endorse the execution, satisfied in full by imprisonment: *Provided*, however, That the defendant or defendants may have the privilege of working out said fine and costs, on the streets and alleys of said city, and shall be allowed the sum of one dollar and fifty cents per day, to be endorsed on said execution by giving a good and sufficient bond with one or more securities in double the amount of the fine and costs. The condition of said bond shall be in the following form, as near as may be, to wit:

Whereas a judgement was rendered against the above bounden C D this ——— day of ———, A. D. 1857, before A B, a justice of the peace of said county, for the sum of ——— dollars and ——— cents, for the violation of an ordinance of the city of Amboy:

Now, therefore, The condition of the above obligation is such that if the said C D shall immediately commence and faithfully labor upon the streets and alleys in said city, under the direction of the street commissioner, from day to day until the above fine and costs are fully paid, then the above obligation to be void, otherwise to remain in full force and virtue.

§ 4. *Be it ordained by the City Council of the City of Amboy,* That all orders, ordinances or resolutions, heretofore passed by the president and trustees of the corporate town of Amboy, and conflicting herewith, are hereby repealed.

Passed May 28, 1857.

## ELECTION OF CITY OFFICERS.

An Ordinance in relation to Election of Officers by the City Council, prescribing their Duties, and providing for their Removal.

*Be it ordained by the City Council of the City of Amboy :*

§ 1. That the mayor shall call a special meeting of the council, after the election in March, as early as is convenient, after the result of said election shall be known, who shall proceed to appoint by ballot, or otherwise, a clerk of the city council, a city attorney, an assessor, a collector, a treasurer, an engineer and surveyor, weigh master, street commissioner or commissioners, and such other officer or officers as may from time to time be required.

§ 2. It shall be the duty of the clerk of the city council to attend all stated and special meetings of the city council, keep a correct journal of all proceedings, and record the same in a book to be kept for that purpose, he shall record, in a separate book, all ordinances passed from time to time, and cause the same to be published within two weeks after they shall have been passed, in such newspaper of said city as the council may designate, and keep and safely preserve all papers and books and documents pertaining to his office; he shall also have the custody of all papers, books, maps and documents belonging to the city, and not in the actual use of other city officers, and shall without delay deliver to the city council all communications or documents addressed to the same; he shall provide, at the expense of the city, all necessary books, stationery, lights and fuel, for the use of the city council; he shall keep a correct account between the city and the collector of taxes on real and personal property, by charging him with the amount of all the taxes due the city; and also the amount of the printer's bill for advertising the list of lands on which the taxes have not been paid; and he shall allow the said collector such credits as he may be entitled to by law and the ordinances of the city; and he shall also keep a correct account between the city and the treasurer, by charging him with all sums received by him, as exhibited to the said clerk in his duplicate receipts, and crediting him with all money paid out by him by order of the council, and he shall allow the treasurer such other credit as he may be entitled to by law and the ordinances of said city, he shall, at the first regular meeting in the month of March of each year, lay before the city council a statement of the fiscal concerns of the city, exhibiting the receipts and expenditures of the city for the previous year, and cause the same to be published in such newspaper of the city as the city council shall designate, and the said clerk shall do and perform such other duties as may be required of him by the ordinances of said city, or resolutions of the city council.

§ 3. It shall be the duty of the city attorney to act as legal adviser of the city in all matters pertaining to contracts with or by the city, or on any question of legality arising out of any law, ordinance, city charter, or otherwise to give his written opinion upon questions of law arising out of any suit, claim or demand for or against the city, or upon the official action or duty of any officer of the city, whenever requested by any of said officers; to keep a docket of all actions, suits or claims for or against the city, noting their progress and judgment therein; he shall draft all legal instruments which he may be required to do by ordinance or otherwise; he shall commence and prosecute all actions or suits required to be instituted by and for the city for the recovery of any estate, rights, privileges, demands or any claims whatever, and shall defend the city in all actions or suits brought or to be brought against it, or any of the officers thereof, whereby the estate, rights, ordinances, orders or acts of the city, or any breach thereof, may be brought in question before court, in the county of Lee, he shall prosecute all actions or suits for the violation of any ordinances commenced in any manner prescribed by ordinance, and he shall take appeals in all such cases wherein he shall deem the interests of the city require it, and shall prosecute and defend the same in the appellate courts, and for this purpose shall make for the city all the necessary affidavits, and make and execute, in the name of the city of Amboy, the necessary bonds, sign them in the name of the mayor by himself as attorney, and he shall do and perform all other duties incident to his profession which may be required of him by the city council.

§ 4. It shall be the duty of the city assessor to assess all real estate within the limits of the city of Amboy, and all personal property of the inhabitants thereof, in accordance with the several provisions of the ordinances, prescribing the manner of raising a revenue from real and personal property, and he shall do and perform such other duties as may be required of him by ordinances, resolution or order of the city council.

§ 5. It shall be the duty of the city collector to collect all taxes due the city of Amboy on real and personal property as returned by the assessor to the city council, and by said council to the treasurer, and by him to the collector, in accordance with the ordinance provided for the raising of revenues from real and personal estate in the city of Amboy; and he shall pay over to the city treasurer, at least once in each and every month, the money collected by him, by virtue of his office, after deducting his percentage and credits, taking a duplicate receipt for the same from the said treasurer, one of which receipts he shall deliver to the clerk, in order that the treasurer may be charged with the amount so paid over; and the collector shall make a full report of his doings during the previous year, at the first regular meeting of the council in March, stating

the amount of money received by virtue of his office, and the credits allowed him by law and ordinance; and he shall do and perform such other duties as the council may require of him by resolutions, orders or ordinances.

§ 6. It shall be the duty of the city treasurer to keep a true account of all money belonging to the city of Amboy he may come in possession of, by virtue of his office, stating from whom and on what account received, giving two receipts therefor to the person from whom he may have received money, one of which such person shall hand to the clerk of the council, in order that the treasurer may be charged therefor; and in no case shall any officer of the city, or any other person, be relieved from his responsibility to the city for any money he may have belonging to the city, until he shall give to the clerk the treasurer's receipt therefor. He shall pay out whatever monies may be ordered by the city council, the vouchers being signed by the mayor of the city and countersigned by the clerk, and the treasurer shall make a full report of his doings during the previous year, stating the money received, from whom, and for what purpose, exhibiting all allowable credits to the clerk of the city, by the regular meeting of the council in March; and he shall further perform all duties the council may require of him by resolution, order or ordinance.

§ 7. It shall be the duty of the city engineer and surveyor to perform all the duties required of him by ordinance, and perform such other duties as the council may require by resolution, order or ordinance.

§ 8. It shall be the duty of the city weighmaster to perform all the duties required of him by the several provisions of the ordinance regulating the weighing of hay, stone, coal, and other articles in the city of Amboy, required by ordinance to be weighed, and perform all other duties which may be required of him by ordinance, order or resolution of the city council.

§ 9. It shall be the duty of the street commissioner or commissioners to superintend and personally supervise the opening of streets and alleys, and the grading and planking thereof, laying sidewalks thereon and repairing thereof, to order the grading, laying and repairing the sidewalks, give notice thereof to the owner of property fronting thereon when required, and upon the failure of any person to comply with such notice to do the same, and apportion the cost among the several persons owning the property chargeable therewith, and delivering the accounts thereof to the city clerk.

§ 10. That the city collector and treasurer shall, before entering on the duties of their offices, give bond with sufficient security, to be approved of by the city council, conditional for the faithful performances of their offices, and that the council shall determine whether the other city officers they have or may

appoint shall give bond to the city, and the amount of such bond, with security to be approved of by them.

§ 11. That every officer elected by the city council, appointed by the mayor or officer exercising the power of mayor, shall, before entering upon the duties of his office, except deputy marshals, take and subscribe to an oath that he will support the constitution of the United States, and of the State of Illinois; that he will faithfully perform the duties of his office according to law and the best of his ability and judgment; that he has never fought a duel or accepted a challenge to fight a duel, the probable result of which might have been the death of either party, nor in any way order, in a duel, or been knowingly the bearer of a challenge, or acceptance, since the adoption of the constitution, and that he will not be so engaged or concerned during his said term of office.

§ 12 That any officer elected, or appointed by the city council, may be removed by a vote of two-thirds of said council, for incompetency or any deviation or violation of duty, whenever the council shall deem the interest of the city requires such removal. *Provided*, That no officer shall be removed as aforesaid, without first being apprised by the mayor or city clerk of such intended removal and the grounds therefor, and shall have an opportunity to exculpate himself before the council of the charges against him.

§ 13. That each and every officer appointed by the council, on his resignation, or removal, or expiration of his term of office, shall deliver up to his successor all the papers, books, and documents, or other property belonging to the city and pertaining to his office; and any such officer refusing to deliver up the same, or any portion thereof, when required, shall forfeit and pay to the city five dollars for every day he shall retain such property after demand.

§ 14. That whenever any vacancy shall occur, in any manner whatever, in any of the offices provided for in this ordinance, the city council shall fill such vacancy at the next regular meeting, unless the interests of the city require it to be done sooner.

§ 15. That any officer wilfully refusing to perform the duties of his office, or who shall be guilty of favoritism, oppression, wilful wrong, or injustice, misfeasance, or malfeasance of duty, not otherwise provided against specially by ordinance, shall forfeit and pay to the city not more than one hundred dollars, to be recovered by action in which the board of aldermen shall be plaintiff.

§ 16. *Be it ordained by the City Council of the City of Amboy*, That all orders, ordinances or resolutions, heretofore passed by the president and trustees of the corporate town of Amboy, and conflicting herewith, are hereby repealed.

Passed June 22d, 1857.

## ELECTION OF MAYOR AND ALDERMEN.

An Ordinance in relation to Election of Mayor and Aldermen in the City of Amboy.

*Be it ordained by the City Council of the City of Amboy :*

§ 1. That an election for city officers shall be held annually in each ward, on the first Monday in March, at such place as shall be designated by the city council, of which the city clerk shall give ten days' notice, by publication in a newspaper, and by written or printed notices to be posted up in three of the most public places in each ward, and to do which it is hereby made the duty of the marshal. Special elections shall be held and conducted in the same manner as general elections.

§ 2. The city council shall, annually, at least ten days previous to the election, appoint in each ward three electors thereof, to act as judges of the election. The city clerk shall make out and the marshal serve notices of their appointment in writing upon each of the persons so appointed.

§ 3 If any judge shall refuse to act, or fail to be present at the polls, at the time fixed for the opening thereof, the vacancy shall be filled by any qualified voter of the ward, to be selected by the remaining judges; but if none of the judges be present, or but one of them, the vacancy shall be filled by vote of those present. The judges shall have power to appoint two electors of the ward to act as clerks.

The judges and clerks shall be qualified and shall conduct the said elections in all respects according to the provisions of the laws of this State for the election of State and county officers, so far as the same may be applicable, and in administering the oath to any person, whose vote is challenged, shall include therein the statement that he has actually resided in the city of Amboy ninety days next preceeding the election, and is at the time of such election an actual resident, at least ten days before the election of the ward in which he offers to vote.

§ 4. Each of the said clerks shall keep separate poll lists for each of the wards for which such election is held, and thereon record the names of the voters in the order in which they shall vote, and the returns of said election shall be made to the clerk of the city council, in the same manner as is or may be provided by the laws of this State for the returns of county elections to the county clerk; and the clerk of the city council, with the assistance of two justices of the peace, shall open said return and notify the officers elected, or persons receiving the greatest number of votes for any office, forthwith of their election, and also make report thereof to the city council at their next meeting thereafter. Should two or more persons receive an equal and the highest number of votes cast for any office at said elec-

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§ 2. The city council shall, annually, at least ten days previous to the election, appoint in each ward three electors thereof, to act as judges of the election. The city clerk shall make out and the marshal serve notices of their appointment in writing upon each of the persons so appointed.

§ 3 If any judge shall refuse to act, or fail to be present at the polls, at the time fixed for the opening thereof, the vacancy shall be filled by any qualified voter of the ward, to be selected by the remaining judges; but if none of the judges be present, or but one of them, the vacancy shall be filled by vote of those present. The judges shall have power to appoint two electors of the ward to act as clerks.

The judges and clerks shall be qualified and shall conduct the said elections in all respects according to the provisions of the laws of this State for the election of State and county officers, so far as the same may be applicable, and in administering the oath to any person, whose vote is challenged, shall include therein the statement that he has actually resided in the city of Amboy ninety days next preceeding the election, and is at the time of such election an actual resident, at least ten days before the election of the ward in which he offers to vote.

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tion, the clerk shall notify such persons thereof and of the time of next meeting of the city council.

§ 5. At all elections the polls shall be opened at 8 o'clock, A. M., and continue open until 6 o'clock P. M., of the same day: *Provided*, The judges may adjourn one hour for dinner, or supper; and if they deem it necessary may defer closing the polls from hour to hour until 12 o'clock at night. When the polls are opened, proclamation shall be made that the polls are now opened; and thirty minutes before they are closed proclamation to that effect shall be made.

§ 6. A ballot-box shall be provided for the use of the judges of each ward, with a lock and key, and in the top or lid an aperture not larger than shall be necessary to receive a single folded ballot. On the opening of the polls, the judges shall examine the ballot-boxes and have them closed and locked in the presence of all the judges.

§ 7. The ballot voted by each voter shall be folded by the voter and delivered to one of the judges of the election, who shall, without unfolding or opening it in any manner, or examine or allow any person to examine it, deposite the said ballot in the ballot-box: *Provided*, That no ballot shall be received, or counted unless it is written or printed on white paper, without any word or figure thereon intended to distinguish one ballot from another.

§ 8. Every ticket so handed in at any election shall contain the name of every candidate such voter intended voting for, either in writing or in print, designating the office to which he wished he should be elected; and if more persons are designated for any office than there are vacancies to fill, or officers to be elected, such part of the ticket shall not be counted for either of them; but no vote shall be rejected for want of form, if the judges can determine to their satisfaction the person voted for, and the office which the voter intended such person to fill.

§ 9. It shall be the duty of the city marshal, if in the opinion of the mayor it shall be deemed necessary, to depute and station at each place of holding an election, a person, or persons, for the purpose of preserving order and decorum and to enforce the lawful commands of the judges.

§ 10. The judges shall have power to preserve order at the polls, and to command the officer or person deputed, as in section 9, to arrest and take before the mayor, or justice exercising the power of mayor, any person or persons, whose disorderly conduct interferes with, hinders, or obstructs the judges or clerks in the discharge of their duties, or any voter in exercising the privilege of voting, and for any such offense the offender shall forfeit and pay to the city not less than ten, nor more than one hundred dollars; and if any person shall seize or take away a ballot-box, or poll book, with the purpose of carrying the same off by force, such person shall forfeit and pay to the city not less than one hundred nor more than five hundred dollars.

§ 11. If the ballot-box shall be seized and carried away at any election, so the ballots therein contained cannot be counted, the the whole election shall be thereby void, and anew election shall be ordered by the council.

§ 12. When any two persons shall have an equal and the highest number of votes, the clerks shall notify the mayor to such effect, who shall call a special meeting of the council, on the day after the election, and they shall proceed to determine as follows, which of the persons shall be elected: The clerk of the city council shall write the names of such candidates on separate pieces of paper and put them in a hat or box and put the same number of pieces of paper, on one of which the word *mayor*, or *alderman*, shall be written in another hat or box; and one of the city council, in the presence of the others, shall draw from one box or hat, and another member of the council from the other, and the person whose name is written on the piece of paper which shall be drawn against the piece of paper having the office drawn for written on it, shall be declared mayor, or alderman, as the case may be, the same as though he had the majority of votes for such office at such election.

§ 13. Whenever the election of mayor, or other city officer, shall be contested, it shall be duty of the person so contesting to notify the person having the certificate of election and the mayor or the clerk of the city council in writing, and upon such notice being served, it shall be the duty of the mayor to call a meeting of the city council, within five days of the giving of the notice, at which meeting the council shall examine all testimony under oath, which may be offered touching the case, and shall determine who is entitled to the place contested; whenever the election of mayor is contested, the council shall appoint one of their number to act as president *pro tem.*, providing the acting mayor is a contestant, to preside over the meeting, for the purpose of determining such contest; and the mayor, or president *pro tem.*, may issue under the seal of the city the necessary process to procure attendance of witnesses: *Provided*, That if any alderman shall be a contestant he shall not be allowed to sit in the council, in determining who has been elected.

§ 14. Every judge and clerk of an election shall receive the sum of \$1.50 for his services as judge or clerk.

§ 15. *Be it ordained by the City Council of the City of Amboy*, That all orders, ordinances or resolutions heretofore passed by the president and trustees of the corporate town of Amboy and conflicting herewith, are hereby repealed.

Passed June 22d, 1857.

An Ordinance to amend an Ordinance entitled "An Ordinance Concerning the Election of Mayor and Aldermen."

*Be it ordained by the City Council of the City of Amboy :*

§ 1. That the ordinance concerning the election of mayor and aldermen be so amended, and the same is hereby so amended as to read *police magistrate or justice of the peace*, instead of "mayor or justice exercising the power of mayor," as now set forth in the 10th section of said ordinance.

§ 2. That so much of section 10 of said ordinance as relates to the taking of disorderly persons before the mayor or justice exercising the power of mayor be, and the same is hereby, repealed.

Passed January 23, 1858.

### FIRE CRACKERS, SQUIBS.

An Ordinance concerning the Use of Fire Crackers, Squibs, &c.

*Be it ordained by the City Council of the City of Amboy :*

§ 1. That no person, or persons, shall fire, or discharge, or set off any squibs, crackers, or any other thing containing powder, or other combustible or explosive material, (guns, pistols and cannons excepted,) without permission from the city council, or a written permission from the mayor, on any day in the year, except on the third or fourth days of July. Any violation hereof shall subject the party to a fine of not less than two dollars, nor exceeding ten dollars.

§ 2. *Be it ordained by the City Council of the City of Amboy,* That all orders ordinances, or resolutions heretofore passed by the president and trustees of the corporate town of Amboy, and in any manner conflicting herewith, are hereby repealed.

Passed June 22d, 1857.

### FINES AND FORFEITURES.

An Ordinance providing for the Recovery of Fines and Forfeitures, and the Enforcement of Penalties in the City of Amboy.

*Be it ordained by the City Council of the City of Amboy :*

§ 1. That all suits, actions, or prosecutions, brought for the recovery of any fine, forfeitures, or penalties, for breach or violation of any ordinance which now or may hereafter be enforced in the city of Amboy, shall be commenced by briefly setting forth the breach of said ordinance referring to the same made under

oath before the police magistrate of said city, and in his absence, before any justice of the peace in said city, in the following form as nearly as may be :

“ STATE OF ILLINOIS, }  
     City of Amboy. }

I, A. B., by way of complaint to the police magistrate of the city of Amboy, state that C. D. has been guilty of a breach of an ordinance (*insert the title of the ordinance*) in the city of Amboy, between the — day of —, A. D. 18—, and the — day of —, A. D. 18—.

Which said form shall and may be so varied as to apply to the nature of the offenses, breach, or time, place, or number of persons found in action or suit, as the case may require, without regard to the particular form or words, and no objection to form or words shall be allowed, if such written complaint shall substantially set out the nature of the charge.

*Provided*, always, That complaint aforesaid may be made by the city attorney or marshal, without making oath as aforesaid ;

*Provided*, further, That it shall be and is hereby made the duty of the city marshal and each and every of his deputies, or any constable of said city, to arrest with or without any process any and all persons who shall have violated or who shall be found violating any city ordinance now in force, or which shall hereafter be in force, and take him, her, or them, immediately before the police magistrate, and, in his absence or inability to serve, before any justice of the peace in the city of Amboy, for trial, and the police magistrate or justice of the peace before whom such person or persons shall be so brought or taken, shall proceed to hear and determine the case in the same manner as when regular process has been previously issued stating on his docket the manner and cause of said arrest as stated by the said officer ;

*Provided*, further, That if such person or persons at the time of being arrested shall be intoxicated, it shall be and is hereby made the duty of the officer making such arrest, to place such person in the city prison where he or she shall remain until he or she becomes sober, when he shall bring him or her before the police magistrate or justice of the peace, for trial. And in all cases when such arrest shall be made after eight o'clock, P. M., or before eight o'clock, A. M., it shall and is hereby made the duty of the officer making such arrest, to place the person or persons so arrested into the city prison, where they shall remain until the office hours of said police magistrate or justice of the peace.

*And be it further ordained*, That if any person shall wilfully resist, by violence or otherwise, the marshal, or any of his deputies, or constable of said city, when attempting to arrest, with or

without process, the person so resisting, shall be deemed guilty of a misdemeanor and be fined in any sum not less than five nor more than one hundred dollars; and if any person shall wilfully oppose, interrupt, or interfere with the city marshal or other officer of the city of Amboy, in serving or attempting to serve any lawful process, or when making arrest without process, as before provided, shall hide, secrete, or assist such person in trying to escape, shall be deemed guilty of a misdemeanor and shall be fined not less than five nor more than one hundred dollars.

And, *Provided*, further, That any person who shall be accused of having committed a breach of any ordinance, now or hereafter to be in force in the city of Amboy, may have the cause tried by a jury of six men, and if the jury find the accused guilty, they shall assess and state the amount of the fine, and the police magistrate or justice of the peace shall give judgment for fine and costs, adding one dollar to costs for attorney's fees, and proceed to collect the same as in other cases: *Provided* That both parties in all cases shall have right to three peremptory challenges in all cases where a jury is summoned, and all jurors and witnesses shall be entitled and allowed to receive the same fees that are now provided by the laws of this State in suits before justices of the peace, and the person calling or requiring the jury, shall advance the jury fees before issuing the venire, and the police magistrate or justice of the peace and marshal shall be entitled to the same fees in suits arising under the ordinances of said city as are now allowed to justices of the peace and constables under the criminal laws of this State; and when the person committed is unable to pay the same, shall be paid out of the city treasury.

It shall be the duty of the police magistrate or justice of the peace, through the city marshal, to inform the city attorney of any and all complaints or affidavits made before him for the violation of any ordinance of said city, and all fines or forfeitures and penalties imposed by virtue of any ordinance now or which shall be in force, for the breach of the same, shall, when collected, be immediately paid over to the police magistrate or justice of the peace by the marshal or any person collecting the same; and the police magistrate or justice of the peace recovering such money shall immediately pay the same to the treasurer of said city, said treasurer receipting said police magistrate or justice of the peace's docket for the same.

*And be it further ordained*, That the city marshal or constable shall have power, and that it is hereby made lawful when arresting or attempting to arrest any person or persons, by virtue of any ordinance of the city of Amboy, to call on any citizen or number of citizens to assist him in making such arrest; and if any citizens, when so called on or commanded, shall refuse or neglect to assist said marshal or constable in making such arrest he shall be deemed guilty of a misdemeanor and may be fined

in a sum not less than three nor more than twenty-five dollars.

*And be it further ordained,* That the police magistrate shall have exclusive original jurisdiction in all matters, suits, and actions of every kind whatever, arising under the ordinances of the city of Amboy, unless in case of his absence from the city, or inability to attend to the business; in that case any justice of the peace in said city shall have original jurisdiction to try any and all cases arising under the ordinance of said city: *Provided,* always and in all cases, The defendant shall have the right to remove the cause then pending from said police magistrate to any justice of the peace in said city in the same manner that change of venue is now granted from one justice of the peace to another, under the statute laws of the State.

All actions that shall be commenced under the ordinances of the city of Amboy shall be actions of debt, and the action of debt shall be a lawful action to collect any penalty or fine whatsoever arising under or by virtue of any ordinance in the city of Amboy.

All actions, except where arrests are made without process, shall be commenced by summons unless the party making complaint shall make oath that it is his or her belief that such person complained of is about to leave the said city; when such oath is made, the police magistrate or justice of the peace shall issue a warrant commanding the marshal or constable to bring said person before him forthwith for trial: *Provided,* further, That before the commencement of any trial before the police magistrate or justice of the peace, either party may have the case continued the same length of time and for the same reasons that a continuance is now granted before justices of the peace under the statute laws of this State.

All summonses shall be issued not less than three nor more than ten days before the return day thereof, and shall be served two days before the trial.

*Be it ordained by the City Council of the City of Amboy;* That all orders, ordinances, or parts of ordinances, or resolutions, heretofore passed, conflicting with or contrary to this ordinance are hereby repealed.

Passed August 4th, 1857.

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## FIRE DEPARTMENT.

An Ordinance concerning the Fire Department.

*Be it ordained by the City Council of the City of Amboy:*

§ 1. That the fire department of the city of Amboy shall consist of a chief engineer, one assistant engineer, and such engine men, hose men, and hook and ladder men as are or may from time to time be appointed by the city council.

§ 2. The chief engineer, and in his absence, the assistant engineer, shall in all cases of fire have the sole and absolute control of all the members of the fire department, and it shall be the duty of the chief engineer to report to the city council every six months the condition of the engines, hose, hooks and ladders, buckets; and that is to say the first regular meeting in April and October in each and every year, whenever the engines or other fire apparatus shall need repairing, he shall cause the same to be done without delay.

§ 3. The assistant engineer shall be distinguished as number two, and it shall be his duty to assist the chief engineer and obey his orders, and in the absence of the chief engineer to take command and to exercise a general supervision, under the direction of the chief engineer, over the engines and other fire apparatus and the buildings in which they are kept.

§ 4. The firemen shall be divided into companies of engine men, hook and ladder men, and hose men, each company to consist of as many members as the city council shall from time to time direct, and it shall be their duty to attend to the engines and other fire apparatus committed to their charge, and the buildings wherein the same are kept.

§ 5. Each of said companies respectively may adopt such constitution, by-laws and regulations for their government, subordinate to the ordinances of the city, as they may deem best calculated to accomplish the objects hereby contemplated, and each of said companies shall, on the first Monday of April, in each year, choose from among their own number a foreman, a first and a second assistant foreman, a clerk and a foreman of the hose company attached to or running with each of the engine companies, and such other officers as they may require in accordance with their respective constitutions and in the manner provided therein.

§ 6. The different fire companies under the control and direction of their proper officers shall, upon an alarm of fire, repair to the place of fire with the engines and other fire apparatus under their care, and there work and manage the same under the direction of the chief engineer and his assistants, and in case of their absence, place and work their engines and other fire apparatus in the most effectual manner until the fire shall be extinguished, and shall not remove therefrom but by permission from an engineer, if any shall be present; and on such permission they shall return their engines and fire apparatus, well washed and cleansed, to their respective places of deposit. If any company shall, without permission of an engineer as above, leave any fire with their engine or fire apparatus, the officer in command of such company shall forfeit and pay not less than three nor more than twenty-five dollars for each and every such offense.

§ 7. The said engines and other fire apparatus shall be kept in such places respectively as the city council shall provide and designate, and the several companies having charge of them shall keep the same in the best order for immediate use for the more effectually perfecting the firemen in their duties and preserving the organization of the fire department and keeping the engines and other fire apparatus in good order. The said companies shall hold regular meetings on the first Monday of each and every month.

§ 8. If any person having charge of an engine or other fire apparatus shall suffer or permit the same to be applied to private uses, without the consent of the chief engineer, or, in his absence, the acting chief engineer, he shall forfeit a penalty of not less than twenty dollars for each and every such offense, besides being personally liable for all damages.

§ 9. The acting chief engineer shall have the power in his discretion to grant permission to any fire company to go with their respective engines and other fire apparatus beyond the limits of the city to be absent such length of time as he may direct. Any officer in command of any company who shall suffer or permit the engine and other apparatus in charge of said company to be taken beyond the limits of the city without such permission, shall forfeit and pay for every such offense a penalty of not less than five nor more than twenty-five dollars, besides being liable for all damages.

§ 10. If any fireman refuses or neglects to attend any meeting of the company to which he is attached, he shall forfeit and pay for every default a penalty of not less than twenty-five cents for the use and benefit of said company, unless they shall exonerate him therefrom.

§ 11. If any fireman shall neglect to attend at any fire without such an excuse as shall be sufficient and satisfactory to the company to which he belongs, or shall neglect or refuse to do his duty as a fireman, or shall disobey or refuse to obey the orders of his proper company officers, and shall leave his engine or other fire apparatus while at a fire, without permission of the acting foreman, he shall forfeit and pay a penalty of one dollar for every such default for the use and benefit of such company and be subject to expulsion from the fire department.

§ 12. If any fireman at a fire shall refuse to obey the orders of the chief engineer or his assistant engineer, he shall forfeit and pay for every such default a penalty of not less than one nor to exceed five dollars.

§ 13. The engineer in command, or in the absence of all the engineers, the mayor or two aldermen may direct the hook and ladder men to cut down and remove any building or erection, for the purpose of checking the progress of the fire, and the engineer in command, with the advice and concurrence of two members of the city council, shall have power to blow up or

cause to be blown up with powder, or otherwise, any building or erection, during the progress of the fire, for the purpose of extinguishing or checking the same.

§ 14. The foreman, first assistant and second assistant foreman of each fire company, and the foreman of each hose company attached to an engine company, while on duty, shall wear on his hat or cap the words and figures, "Foreman," "1st Assistant Foreman," "2d Assistant Foreman," and "Foreman of Hose Company," painted on the front of their respective hats or caps, and also the company badge, and shall carry a speaking trumpet which shall be furnished by the city under the direction of the chief engineer.

§ 15. A badge or star shall be worn at fires by the mayor, aldermen and marshal, with the words "Mayor" "Alderman — ward," and "Marshal," painted or otherwise wrought thereon respectively.

§ 16. Every person not a fireman who shall be present at a fire, shall be subject and obedient to orders of the chief or assistant engineers, the mayor or aldermen of the city, in extinguishing the fire and the removal and protection of property. Any person or persons refusing to obey such lawful order as aforesaid, shall, for every such default, forfeit and pay a penalty of five dollars.

Passed September 8th, 1857.

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An Ordinance to amend an Ordinance entitled "An Ordinance concerning the Fire Department of the city of Amboy.

*Be it ordained by the City Council of the City of Amboy;*

§ 1. That the chief engineer and his assistants shall be chosen by ballot by the city council, on the third Tuesday of October, in each year, and shall hold their respective offices for the term of one year, or until their successors shall be chosen and qualified; except for cause of removal, then it may be lawful to re-elect to fill vacancy at any time.

§ 2. It shall be the duty of the city marshal, city constables, fire warden, or wardens, to give their strict attention in all cases of fire, with their appropriate badges on, to enforce the ordinances of the city, under a penalty of not less than one, nor more than five dollars, (except for good cause shown.)

§ 3. Firemen of every grade shall be exempt from street tax and jury services within the city.

Passed October 6th, 1857.

## INSPECTION OF FIRE WOOD.

An Ordinance concerning the inspection of Fire Wood.

*Be it ordained by the City Council of the City of Amboy:*

§ 1. That there shall be appointed by the city council, from time to time, in said city, such number of competent persons as may be deemed requisite for the public interests, who shall be denominated measurers and inspectors of fire wood, and who shall hold their offices until the election and qualification of their successors respectively.

§ 2. It shall be the duty of each of said inspectors and measurers to keep a book in which he shall make an entry of each load of wood by him inspected, and on the last Saturday of every month he shall make a full return to the city clerk, of the number of loads and the quantity of wood inspected and measured by him. The said inspector shall be allowed to charge and receive 10 cents for each cord or load of larger or smaller quantity, not exceeding five cords, and 5 cents for every cord over five cords inspected and measured in one lot, to be paid by the seller.

§ 3. Every load of wood offered for sale in this city shall be stowed as closely together as it can conveniently be put, and no crooked wood shall be stowed in such load, but all crooked wood shall be sold by itself as refuse wood. Every person violating this section of the ordinance shall forfeit a penalty of one dollar.

§ 4. All fire wood sold by the load in this city shall be inspected and measured by one of such inspectors, and the judgment of such inspector, as to the quantity and quality and kind, shall be conclusive; and such inspector shall give a certificate of the quantity, quality and kind in each load, for whom, and the date when it was measured, which certificate shall be surrendered to the purchaser. Any person selling wood who shall violate the provisions of this section shall forfeit a penalty of five dollars.

§ 5. It shall be the duty of one or more of said inspectors to be at all reasonable times in attendance at such places as may be designated as wood stands, within the city, for the purpose of inspecting and measuring wood.

§ 6. If any inspector, by reason of sickness or otherwise, be prevented from attending to the duties of his office, or if, from any cause, an additional inspector shall be necessary, the mayor for the time being may temporarily appoint such fit person as may be required, and such appointment shall be valid until the disability of such inspector shall be removed, or until the next meeting of the council.

§ 7. Wood stand No. 1 shall be and is hereby located in front of N. S. Chase's store, on Main-street, ward 1.

§ 8. Wood stand No. 2 shall be and is hereby located in front of Exchange Block, ward 3, on Main-street.

§ 9. Wood stand No. 3 shall be and is hereby located in front of C. H. Marston's building, East Avenue, ward 1.  
Passed November 10th, 1857.

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## STREET TAX.

An Ordinance concerning Street Tax.

*Be it ordained by the City Council of the City of Amboy :*

That for the better enabling the city clerk to keep a correct account with the city treasurer for the collection of street tax, it shall be the duty of said clerk to charge the city treasurer with all tax receipts he may deliver to him, numbering the same and placing amounts on the face of each receipt and charging the sum total to treasurer, on treasurer's account. When the said treasurer settles with the city, the above named receipts shall be credited to his account.

Passed January 5th, 1858.

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## OPENING OF STREETS.

An Ordinance concerning the opening of Streets.

*Be it ordained by the City Council of the City of Amboy :*

§ 1. That whenever the council shall resolve to open, alter, widen, extend, or establish any street, avenue, lane or alley, they shall cause the same to be surveyed and recorded upon the records of the city clerk, showing particularly the proposed improvements, and the real estate or other private property required to be taken therefor.

§ 2. Whenever such survey and record of the opening, widening, extending or establishing of any street, avenue, lane or alley shall be made, the city council shall give notice of their intention to appropriate and take the land or other private property therefor to the owner or owners thereof by publishing such notice for two weeks successively in the corporation newspaper. At the expiration of which term the mayor shall appoint six disinterested freeholders, residing in said city, a jury to ascertain and assess the damages and recompense the owner or owners of such land or other private property respectively, and at the same time to ascertain what persons will be benefited by such improvement, and to assess the damages and expenses thereof on the real estate of persons benefited in proportion as nearly as may be to the benefits resulting to each particularly describing the same.

§ 3. The jurors shall be sworn to faithfully inquire into and assess the amount of damages over and above the benefits which shall happen to the owner or owners of the property to be appropriated for said improvements and to assess the amount of such damages and the expenses of such improvements upon the property benefited thereby in proportion as nearly as may be to the benefits resulting to each. Before entering upon their duties, they shall give notice to the persons interested of the time and place of their meeting for the purpose of viewing the premises and making their assessment, at least two weeks before the time of such meeting, by publishing the same in the corporation newspaper; they shall view the premises and in their discretion receive any legal evidence, and may, if necessary, adjourn from day to day.

§ 4. If there should be any building standing in whole or in part, upon the land to be taken, the jurors, before proceeding to make their assessment, shall first estimate and determine the whole value of such building to the owner, aside from the value of the land, and the injury to him in having such building taken from him, and secondly, the value of such building to him to remove.

§ 5. At least five days personal notice shall be given to the owner of such determination when known and a resident of the city, or left at his usual place of abode. If not known, or a non-resident, notice to all persons interested shall be given by publication for ten days in the corporation newspaper; such notice shall be signed by the jurors and specify the building and the award of the jurors. It shall also require parties interested to appear by a day named therein, or give notice of their election to the city council either to accept the award of the jurors and allow such building to be taken with the land condemned or appropriated or of their intention to remove such building at the value set thereon by the jurors to remove. If the owner shall agree to remove the building, he shall have such time for this purpose as the city council may allow.

§ 6. If the owner refuse to take the building at the value, to remove or fail to give notice of his election, as aforesaid, within the term prescribed, the city council shall direct the sale of such building, at public auction, for cash, giving five days' public notice of the sale. The proceeds of the sale shall be paid to the owner, or deposited to his use.

§ 7. The jurors shall thereupon proceed to make their assessment and to determine and appraise to the owner or owners the value of the real estate appropriated for the improvement and injury arising to them respectively from the condemnation thereof, which shall be awarded to such owners respectively as damages, after making due allowance therefrom for any benefit which such owners may respectively derive from such improvement, in the same estimate of damages to the land, the commis-

sioner shall include the value of the building (if the property of the owner of such land) as estimated by them as aforesaid less the proceeds of the sale thereof, or if taken by the owner at the value to remove, in that case they shall only include the difference between such value and the whole estimated value of such buildings.

§ 8. If the damage to any person be greater than the benefits received, or if the benefit be greater than the damage, in either case the jurors shall strike a balance and carry the difference forward to another column, so that the assessment may show what amount is to be received or paid by such owners respectively, and the difference only shall in any case be collectable of them or paid by them.

§ 9. If the lands and buildings belong to different persons, or if the land be subject to lease or mortgage, the injury done to such persons respectively may be awarded to them by the jurors less the benefits resulting to them respectively from the improvement.

§ 10. Having ascertained the damages and expenses of such improvements as aforesaid, the jurors shall thereupon apportion and assess the same, together with costs of the proceedings upon the real estate, by them deemed benefited, in proportion to the benefits resulting thereto from the improvements as nearly as may be, and shall describe the real estate upon which their assessment may be made. When completed, the jurors shall sign and return the same to the city council within forty days of their appointment.

§ 11. The clerk shall give notice by publication in the corporation newspaper for two weeks successively that such assessment has been returned, and on a day specified therein, will be confirmed by the city council, unless objections to the same are made by some persons interested. Objections may be heard before the city council and the hearing may be adjourned from day to day. The council shall have power in their discretion to confirm or annul the assessment or refer the same back to the jurors. If annulled, all the proceedings shall be void; if referred back to the same or other jurors, they shall proceed to make the assessments and return the same in like manner and give like notices as herein required in relation to the first; all parties in interest shall have the like notices and rights, and the city council shall perform like duties and have like powers in relation to any subsequent determination as are herein given in relation to the first.

§ 12. It shall be the duty of the mayor to remove jurors and from time to time appoint others in the place of such as may be removed, refuse, neglect, or be unable from any cause to serve.

§ 13. That whenever such assessment upon the property benefited shall be confirmed by the city council, they shall levy the respective amounts so assessed as a special tax upon the prop-

erty assessed, and shall be collected in the same manner as is provided in an ordinance passed May 5th, 1857, for the collection of general tax, and an ordinance amendatory thereof, passed September 8, 1857.

Passed January 23, 1858.

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## PREVENTION OF FIRES.

An Ordinance concerning the prevention of Fires.

*Be it ordained by the City Council of the City of Amboy :*

§ 1. That there shall be annually appointed by the city council one or more fire wardens for the city, whose duty it shall be to examine carefully, at all times during the year, every house, store or building and places for the keeping and deposit of ashes, also to remove and abate any cause from which imminent danger of fire may be apprehended, and to cause all buildings, chimneys, stoves, pipes, hearths, ovens, boilers, ash houses and apparatus used in every building which shall be found in such a condition as to be considered unsafe, to be without delay, at the expense of the owner or occupant thereof, put in such condition as not to be dangerous in causing or promoting fires.

§ 2. If any person shall obstruct or hinder any fire warden in the performance of his duty, or refuse to observe any lawful directions given him, such person shall for every offense forfeit and pay the sum of five dollars.

§ 3. No pipe of any stove or franklin unless it is conducted into a chimney made of brick, or stove, except in case where any two aldermen shall deem it equally safe if otherwise put up, to be certified under his own hand, and any person putting up the pipe of any stove or franklin contrary to this section, shall for every such offense forfeit and pay five dollars, and the further sum of one dollar for every twenty-four hours the same shall remain so put up after notice given by any alderman or fire warden.

§ 4. No hay, straw or other combustible substances shall be deposited within fifteen feet of any place where fire or ashes are kept, unless the said combustible substance be kept in a close and secure building, under the penalty of one dollar for every offense, and the like penalty for every twenty-four hours the same shall thereafter remain.

§ 5. No lighted candle or lamp shall be used in any stable or other place or building where hay, straw or other combustible materials shall be kept, unless the same shall be well secured in a lantern, under the penalty of two dollars for each and every

offense, and no fire shall be in any stove or otherwise in any such building or any room where such combustible material is kept, under a penalty of ten dollars and an additional penalty of five dollars for each and every twelve hours that said fire shall so remain: *Provided*, That livery stables may be permitted to use a stove in a room occupied as an office, if properly certified to by the mayor or any two aldermen.

§ 6. No hay, straw, chips or other combustible substance shall be set on fire or burned in any street or any lot within forty feet of any building in the city, without permission of the mayor or an alderman of the ward, under penalty of five dollars to be recovered of any person directing or causing the same to be done.

§ 7. Every person keeping or occupying a shop or other buildings wherein shavings or other combustible materials are made, accumulated or may be contained, shall forfeit the sum of two dollars for every neglect to clear or remove the same out of such buildings and the yards belonging or appertaining thereto at least three times in each week, *provided* such buildings are situated within two hundred feet of any building; and no stove shall be used in any such shop or building unless the same shall be set in a box surrounded with fireproof material, with the pipe carefully set up according to the provisions hereof, and no lighted candles shall be used in such shop or buildings except they be placed in a candlestick made of material not liable to take fire, under a penalty of two dollars for every offense.

§ 8 No chimney shall hereafter be built with less than four inches thickness of brick or stone completely embedded in lime mortar and plastered on the inside with a smooth coat of the same; no flue shall in any case be less than four by eight inches, and if intended for two full stories not less than eight by twelve inches, and for three stories or more not less than eight by sixteen inches. Holes for stove pipe shall have a sheet iron thimble inserted into the chimney embedded in mortar and a tin or sheet iron stopper with a flange at least one inch wide outside the brick. Every person who shall hereafter build or cause a chimney to be built, contrary to this section, shall for every such offense, forfeit and pay the sum of ten dollars; and every owner of any chimney that shall hereafter be built contrary to this section, shall cause the same to be altered within ten days after notice shall be given by the fire warden under whose jurisdiction he may reside or forfeit the sum of ten dollars and also ten dollars for every month thereafter, so long as the chimney shall remain unaltered.

§ 9. Stove pipes shall not be less than four inches from any wood or other combustible materials, unless there is a double circle of tin connected together and air holes through the connecting tin between such pipe and combustible substance, under the penalty of three dollars and the sum of one dollar for every

three days it shall remain, after notice from the fire warden to alter the same. The compensation of the fire warden shall be fifteen cents per hour for actual service.

Passed January 23, 1858.

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### DISCHARGING OFFICERS.

An Ordinance concerning discharging Officers.

*Be it ordained by the City Council of the City of Amboy :*

That the city council shall have power to discharge all officers elected by the city council by a two-third vote of the aldermen of the city.

All ordinances or parts of ordinances conflicting with the above ordinance be, and the same is hereby repealed.

Passed January 23, 1858.

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*Be it ordained by the City Council of the City of Amboy :*

That in all ordinances commencing "Be it ordained by the common council of the city of Amboy," the word "common" whenever it occurs, be changed to *city*; so as to make it read, *Be it ordained by the city council of the city of Amboy.*

Passed June 22, 1857.

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### AMENDATORY ORDINANCES.

An Ordinance to amend an Ordinance entitled "An Ordinance concerning Sidewalks and Crosswalks."

*Be it ordained by the City Council of the City of Amboy :*

§ 1. That the seventh (7) section of article III. of the aforesaid ordinance be so amended, and the same is hereby so amended as to read *sewers* instead of "crosswalks and sewers," as now set forth in said section of said ordinance.

§ 2. That so much of section seven (7) of article III. of said ordinance as relates to the assessing and charging to the real estate benefitted by the construction of crosswalks, be, and the same is hereby repealed.

Passed February 23, 1858.

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An Ordinance to amend an Ordinance entitled "An Ordinance relating to Dogs running at large," passed April 14, 1857.

*Be it ordained by the City Council of the City of Amboy :*

That wherever the word "slut" occurs in said ordinance it shall read *bitch*.

Passed March 24, 1858.

RULES AND ORDER OF BUSINESS  
OF THE  
CITY COUNCIL OF THE CITY OF AMBOY,  
ADOPTED BY THE CITY COUNCIL, MARCH 24, 1857.

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*Be it ordained by the City Council of the City of Amboy, now assembled, That the following rules shall be strictly adhered to and adopted, until amended or altered, to wit :*

RULE 1. The rules of order shall be adhered to invariably by the city council, unless the same shall be temporarily suspended by unanimous consent.

RULE 2. At the hour appointed for the meeting of the council, the clerk, or in his absence some one appointed to supply his place, shall call the roll of members, marking the absentees, and announce whether a quorum be present. Upon the appearance of a quorum, the council shall be called to order, the mayor taking the chair, if present, the council appointing one of their number president *pro tem.*, if he be absent. The order of business shall be as follows:

1. Reading of minutes of last meeting, and amendment and approval of same.
2. Presentation of petitions, and report of officers.
3. Report of committees, standing and select.
4. Communications to the council, which may be considered at any time.
5. Unfinished business of preceding meetings.
6. Resolutions and notices.

RULE 3. All questions relating to the priority of business shall be decided without debate.

RULE 4. The mayor shall preserve order and decorum, and his decisions of questions of order shall be subject to an appeal to the council.

RULE 5. When two or more members shall rise at the same time to address the chair, the mayor shall determine who is first to speak.

RULE 6. No member shall speak more than twice to the same general question, nor more than once to a previous question, without leave of the council, nor more than once in any case until every member choosing to speak shall have spoken.

RULE 7. A member called to order shall immediately set down, unless permitted to explain. If there be no appeal, the decisions of the chair shall be conclusive; but if the member appeal to the council, from the decision of the chair, the council shall decide the question without debate.

RULE 8. A motion may be withdrawn by the member offering it, at any time before an amendment or decision.

RULE 9. A motion for the previous question, to lay on the table, or to commit until it is decided, shall preclude all amendment of the main question, and a motion to postpone a question indefinitely, or to adjourn it to a certain day, shall, until it is decided, preclude all amendment to the main question.

RULE 10. The previous question shall be as follows: "Shall the main question now be put?"

RULE 11. A motion to adjourn shall be always in order, and shall be decided without debate.

RULE 12. The mayor shall appoint all committees, unless otherwise provided for by the council.

RULE 13. Standing and select committees, to whom references are made, shall report in writing the state of facts, with their opinion thereon, such reports being addressed "*To the Mayor and Aldermen of the City of Amboy.*"

RULE 14. Notices of special meetings shall be served by the marshal on each alderman, personally or by leaving the same at his usual place of business or residence.

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MISCELLANEOUS

AND

Amendatory Ordinances

OF THE

CITY OF AMBOY.

PUBLISHED BY ORDER OF

CITY COUNCIL.

---

AMBOY:

1862.

STATE OF ILLINOIS, }  
LEE COUNTY. } ss.

I, WILLIAM E. IVES, Mayor of the City of Amboy, do hereby certify, that the following compilation of the Ordinances of the City of Amboy, was made and printed and published in book or pamphlet form, by authority of the City of Amboy.

In testimony whereof, I have hereunto set my hand and seal of the City, this 7th day of November, A. D. 1862.

WILLIAM E. IVES, Mayor  
*of the City of Amboy.*



## Miscellaneous Ordinances.

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### LICENSING.

AN ORDINANCE to amend an ordinance concerning Licensing Druggists in the city of Amboy, to sell vinous spirits and mixed liquors, passed, March 20th A. D. 1860.

Be it ordained by the City Council of the City of Amboy, That nothing contained in the ordinance to which this is an amendment, shall be so construed as to allow Druggists to sell any of the kinds of liquors enumerated therein, by the drink as a saloon keeper, or in less quantities than one pint.

Passed March 27th, 1860.

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An ordinance, supplementary to an ordinance regulating and controlling the sale of ardent vinous, fermented and malt liquors, passed March, 20th, 1860.

SEC. 1. Be it ordained by the City Council of the city of Amboy, That the keeping in store, on deposit, or on hand, or having in possession, or selling, bartering, giving away, or exchanging any spirituous, malt, fermented, mixed or intoxicating liquors, within the corporate limits of the city of Amboy, in less quantities than one barrel, is and the same is hereby declared a nuisance, except the person or persons engaged in such traffic, or having on hand or in store, or otherwise such liquors, shall first duly obtain a license from the city council as required and provided by the ordinance to which this is a supplement.

SEC. 2. Any person or persons who shall be found guilty of violating the 1st section of this ordinance shall be deemed guilty of sustaining, supporting and upholding a nuisance within the meaning of this ordinance, and upon conviction thereof, shall be fined in the penal sum of not less than ten, or more than twenty five dollars.

SEC. 3. Whenever any resident of the city of Amboy, shall complain on oath before the police magistrate, or any Justice of the Peace in said city, provided the mayor or any alderman of said city, or the city marshal, shall have a right to make such complaints without swearing to the same, that he or they have good reasons to believe, and does believe, that spirituous vinous, malt, fermented, mixed or intoxicating liquors, or stored or deposited, or held, or kept in store in deposit, or on hand in any store, warehouse, grocery, shop, office, dwelling house, room, building, cellar or any other place within the limits of said city for the purpose of selling, bartering, giving away, exchanging or for any species of traffic therein, and that if the person or persons having or keeping the same have not a license so to do, duly granted by the city council of Amboy, as required and provided by the ordinance to which this is a supplement, then upon the filing with the police magistrate, or any other justice of the peace of the said city of Amboy, a complaint as provided for by the 3d section of this ordinance, it shall be the duty of such police magistrate, or justice of the peace, to issue his warrant under his hand directed to the city marshal or constable residing in said city, reciting the substance of said complaint, commanding the said city marshal or constable, to forthwith search and examine the place mentioned in said complaint, which process the said marshal or constable shall execute, and return the same, how he executed, with his endorsement thereon, and if upon examination he shall find any of the liquors aforesaid, he shall so report to the police magistrate or justice, and in whose possession found. Upon the return of such writ, the police magistrate or justice of the peace to whom the same is returned, shall forthwith issue a warrant or capias, against and for the arrest of said person, on whose premises such liquors were found, and if upon examination and proof of such marshal or constable, serving such writ or otherwise it shall appear to such police magistrate or justice of the peace that the person so accused has been guilty of violating any section of this ordinance, such persons shall be fined as herein before provided.

SEC. 4. Provided always, that any person, accused of violating any section of this ordinance, shall have a right to introduce testimony to show their innocence, and shall have a right to trial by jury, as in other cases and a right to a change of venue, as in other cases.

Passed April, 3d, 1860.

## FINES.

An ordinance providing for the recovery of fines and enforcement of penalties.

SEC. 1. Be it ordained by the city council of the city of Amboy, That it shall be the duty of the police magistrate, or justice of the peace, on complaint of the mayor, city marshal, or either of the aldermen of the city, that any ordinance of the City of Amboy has been violated by any person or persons, to issue a warrant under his hand and seal, commanding the city marshal or any constable of the county, forthwith to bring the offender before him to answer such complaint.

SEC. 2. That in all cases where any person or persons, shall be fined for the violation of any ordinance of the city, the police, magistrate, or Justice of the Peace, as the case may be, shall cause such person or persons, to be committed to the city prison, there to remain until the fine and costs are paid or discharged as hereinafter provided: *Provided*, however, if such person or persons, shall give good and sufficient security, to be approved by such magistrate, to pay such fine and costs, then the party shall be discharged from custody.

SEC. 3. The mayor, or city council, shall have the right to discharge any and all persons, who may be hereafter committed to the city prison, for failure to pay fines and costs adjudged against them. But such discharge shall not in any manner interfere with collections of the judgment and costs, against any such person or persons.

SEC. 4. That in all cases where complaint for violation of any ordinance of the city is made by any other persons other than those mentioned in sec. first of this ordinance, the person, or persons, making such complaint, shall file with the police, magistrate or Justice of the Peace, as the case may be, security for the costs, and in all such cases the city shall not be liable for costs, but the police, magistrate or Justice of the Peace, shall have the right, and it is hereby made his duty, to issue execution against such security, in case he does not prosecute such suit to effect.

SEC. 5. All ordinances in conflict with this ordinance, are hereby repealed.

Passed March 20th, 1861.

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 ASSAULTS.

An ordinance in relation to assault, assault and battery, affrays and unlawfully assemblages.

SEC. 1. Be it ordained by the City Council of the City of

Amboy, That all actions of assault, assault and battery, and affrays occurring within the city limits of the City of Amboy, shall be brought under the ordinance of said city, and not otherwise.

SEC. 2. An assault is an unlawful attempt, coupled with the present ability to commit a violent injury on the person of another, and shall subject the offenders to a fine of not less than one, and not more than fifty dollars.

SEC. 3. An assault and battery is the unlawful beating of another, and subjects the offender to a fine of not less than three, nor more than one hundred dollars.

SEC. 4. If two or more persons shall by agreement, fight in a public place within the limits of the City of Amboy, the persons so offending shall be deemed guilty of an affray, and shall on conviction be severely fined, in a sum of not less than ten, nor more than one hundred dollars.

SEC. 5. If two or more persons shall assemble together to do an unlawful act, and separate without doing or advances towards it, or shall meet to do an unlawful act upon a common cause of quarrel, and make advances towards it, such persons shall be deemed guilty of an unlawful assemblage, and upon conviction thereof be severely fined, in a sum of not less than twenty-five, nor more than one hundred dollars.

SEC. 6. This ordinance to take effect and be in force from and after its passage and publication.

Passed June 11th, 1862.

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### BILLS.

An ordinance entitled "An ordinance concerning bills."

Be it ordained by the City Council of the City of Amboy, That in all cases where bills and accounts are presented by any persons against the City of Amboy, such bills or accounts shall be accompanied by vouchers, or in case vouchers cannot be obtained, said bill or accounts shall be sworn to before any person authorized to administer oaths.

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### TAXES.

An ordinance to provide for the levying and collecting of taxes for city revenue.

SEC. 1. Be it ordained by the City Council of the City of

Amboy, That hereafter all taxes, on real and personal property for city revenue, shall be levied and collected as is provided by the ninth section of the laws of the State of Illinois, entitled "An act to incorporate cities and towns," passed February 10th, 1849.

SEC. 2. The City Council shall on or before the first day of September, of each year, determine by resolution the rate per cent of tax on each \$100,00, of all the real and personal property in said city, to be levied for that year, and thereupon the Clerk of the City shall immediately certify the same to the Clerk of the County Court of the County, under the seal of said city.

All ordinances in conflict with this ordinance, are hereby repealed.

Passed July 16th, 1861.

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### BILLIARD SALOONS.

An ordinance in relation to groceries, billiard saloons and ball alleys.

SEC. 1. Be it ordained by the City Council of the City of Amboy, That any owner or keeper of any ball alley or billiard saloon, within the limits of the City of Amboy, who shall keep open any ball alley or billiard saloon, or shall permit any person or persons to play a game of billiards, or use their ball alley after the hour of 11 o'clock at night, shall thereby forfeit their license, and shall be subject to a fine not exceeding twenty-five dollars for each and every offense.

SEC. 2. If any owner or keeper of any grocery, saloon or other house, or place within the city, shall sell, give away, or in any manner deal in any vinous, spirituous, ardent, fermented or intoxicating liquors, or any lager beer, ale, porter or cider, after the hour of 11 o'clock at night, they shall thereby forfeit their license, and shall be subject to a fine not exceeding twenty-five dollars, for each and every offense.

Passed Sept. 3d, 1862.

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### CITIZENS.

An ordinance to amend section first of an ordinance, entitled "An ordinance on the duty of citizens." passed April 14th, 1857.

SEC. 1. That no person shall hereafter throw, place or con-

duct, or suffer his or her servants, child or family to throw, place or conduct into any street, alley or lot, any putrified or unsound beef, pork, fish, hides or skins of any kind, or any filth, offal, dung, dead animals, vegetables or other unsound or offensive matter whatever, or anything likely to become offensive, nor shall any person allow such filth, offal, dung or other matter as aforesaid, to be or remain upon their premises, or in any out-house, stable or privy, or other place owned and occupied by them, or upon which they may reside, or in any alley or street in front of such premises, nor shall any person allow any dead animal owned by them, to be or lay in upon any public grounds, or upon any lot, or in any alley or street within the limits of said city, in such manner as to be offensive to such neighborhood; and every person who shall violate any of the provisions of this section, shall be fined in a sum not exceeding twenty-five dollars.

Passed August 29th, 1861.

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#### CARTS AND DRAYS.

An ordinance to add to an ordinance entitled, "An ordinance licensing and regulating wagons, carts and drays in the city of Amboy," passed May 5th, 1857.

Be it ordained by the City Council of the City of Amboy, That all wagons, carts or drays running for hire, when not employed, shall have two different stands, viz: Stand No. 1, to be on Main street, in front of block five (5,) original town of Amboy; and stand No. 2, on the alley in block eleven (11,) running south from Main street.

Passed July 14th, 1858.

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#### SIDEWALKS.

An ordinance to amend an ordinance entitled, "An ordinance to amend an ordinance concerning sidewalks and crosswalks," passed Jan. 5th, 1858.

SEC. 1. Be it ordained by the City Council of the City of Amboy, That in all cases where assessments have heretofore been made, or where assessments may hereafter be made by the City Council, on any lot or real estate in said city, for the purpose of improving any street, sidewalk or alley in front of such lot or real estate, or for any purpose whatever, either

by ordinance, resolution or other proceeding, and such assessment is not paid within the time fixed by the order, resolution or ordinance making such assessment, the City Council may direct the city collector, after giving notice of such application by advertisement at least twenty days previous to such application in some newspaper published in said city, to apply to the County Court, of the County of Lee, for judgment against said lot or real estate for the amount of said assessment and costs, and the said County Court shall proceed to hear and determine said application, and shall render judgment against said lot or real estate for the amount of said assessment and costs, and shall issue its precept to the Sheriff of Lee County, commanding him to sell such lot or real estate, or so much thereof as may be necessary to pay said judgment and costs, in the same manner and with like effect as if sold upon execution at law.

SEC. 2. That all orders, ordinances or parts of ordinances, or resolutions heretofore passed and conflicting herewith be, and the same are hereby repealed.

Passed July 28th, 1858.

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#### AUCTIONS.

An ordinance to amend an ordinance entitled, "An ordinance concerning auctions and auctioneers.

Be it ordained by the City Council of the City of Amboy, That so much of section four of said ordinance as relates to a commission of one per cent, to be paid to the City of Amboy by auctioneers, read five per cent; and that section six, under the same ordinance, be so construed as to exempt persons residing in the city, selling out household furniture belonging to private dwellings. Passed Sept. 7th, 1858.

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#### BALL ALLEYS.

An ordinance to amend an ordinance entitled, "An ordinance in relation to billiard saloons and ball alleys."

Be it ordained by the City Council of the City of Amboy, That section two (2,) of said ordinance, shall be so amended as to read, "every person obtaining a license to keep a billiard saloon," shall pay into the city treasury the sum of ten dollars per annum in advance for each table so used in such saloon.

Passed Dec. 28th, 1858.

An ordinance entitled, "An ordinance to amend and add to an ordinance in relation to billiard saloons and ball alleys," passed April 14th, 1857.

SEC. 6. Be it ordained by the City Council of the City of Amboy, That if any person shall fail to comply with any section of the ordinance to which this is an amendment, shall be and is hereby subject to a fine of fifteen dollars, to be collected before any Justice of the Peace, or Police Magistrate.

Passed October 4th, 1859.

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### LIQUORS.

An ordinance to regulate and control the sale of ardent, vinous, fermented and malt liquors.

SEC. 1. Be it ordained by the City Council of the City of Amboy, That no person or persons, shall hereafter have or keep any tavern, grocery or victualing house, or other house or place within the city, for the selling or giving away of vinous or other liquors of any kind, whether ardent, vinous or fermented, in quantities less than one barrel, without a license for that purpose duly obtained by him, her or them, in conformity with the provisions of this ordinance.

SEC. 2 That hereafter no license for the sale of spirituous, vinous or fermented liquors, lager beer or ale, shall be granted unless the applicant wishing such license, shall first apply to the City Council, by a written application signed by the person so applying, stating in the application the kind of liquors he wishes to sell, and the place of locating in said city, where he proposes to open said house, and the length of time he wishes to take license for, and also the name of his bondsmen.

SEC. 3. The City Council may grant a license, to be signed by the Mayor and City Clerk, for the sale of spirituous, vinous and fermented liquors, to any person who shall apply therefor to them in writing, upon such person executing to the City of Amboy a bond, with at least two securities, to be approved by the Council in the penal sum of six hundred dollars, conditional, that the party so licensed, shall faithfully observe and keep all ordinances heretofore passed, or to be passed, during the period of such license; and that he, she or they, will not keep open his, her or their, bar or place for the sale of such liquors, nor sell, give away, or in any manner deal in by himself, herself, themselves, their servants, or any other person, any spirituous, vinous, mixed or intoxicating liquors upon Sunday; and that he, she or they, will prohibit all gambling, with or

without betting, by means of cards, dominoes, dice or other articles of luck or chance; and shall pay for the use of the city at the rate of two hundred dollars per annum, payable quarterly in advance, and the usual fees of the officers entitled thereto; *Provided*, no such license shall be granted to remain in force longer than one year.

SEC. 4. That the City Council may grant a license, signed by the Mayor and City Clerk, for the sale of lager beer, ale, porter and cider, exclusively to any party, on written application, for the sum of fifty dollars per annum, payable six months in advance; *Provided*, he, she or they, enter into bonds to sell no other liquors, and are otherwise made liable to all other conditions of this ordinance, the same as provided for the sale of spirituous, vinous and fermented liquors.

SEC. 5. Any license so granted may be revoked upon written notice to the Council, or whenever it shall appear to their satisfaction that the party so licensed, shall have violated any provisions of any ordinance of the City Council, relating to spirituous liquors, or of any condition of the bond aforesaid.

SEC. 6. No person or persons shall sell, bargain, give away or deliver any ardent, spirituous, or any intoxicating liquors, to any child or apprentice, without the consent of his or her parent, guardian, master or mistress.

SEC. 7. Any person who shall sell, give away, or in any manner deal in any vinous, spirituous, ardent, fermented or intoxicating liquors, in less quantities than one barrel, without a license for that purpose in pursuance hereof, shall upon conviction thereof, be subject to a fine of not less than ten, nor more than fifty dollars; *Provided*, that druggists, or persons, whose chief business is to sell drugs and medicines, shall make application to the City Council for a license, and upon the granting thereof by the City Council, shall pay into the city treasury the sum of fifty dollars per annum, payable six months in advance; then they shall have the privilege of selling spirituous, vinous and fermented liquors, in less quantities than one barrel.

SEC. 8. Be it also further ordained, that an ordinance entitled, "An ordinance concerning licenses, passed April 14th, 1857;" and an ordinance to amend an ordinance entitled, "An ordinance concerning licenses passed Aug. 11, 1857;" and an ordinance to amend an ordinance entitled, "An ordinance concerning licenses passed Jan. 5th, 1858;" and an ordinance supplementary to an ordinance entitled, "An ordinance concerning nuisances, passed April 7th, 1859, and passed Nov. 1st, A. D. 1859, be and the same are hereby repealed.

Passed March 20th, 1860.

## POUNDS.

An Ordinance to amend Section Two, of an Ordinance entitled an ordinance concerning Pounds.

§ 1. Be it ordained by the City Council of the City of Amboy, that Section two of an ordinance to which this is an amendment be, and the same is hereby so amended so as to allow all horses, mules and Jacks, to run at large within the limits of said city in the day time, to-wit: from 5 o'clock A. M., till 9 o'clock P. M., between the 1st day of April and the 1st day of November, in each and every year.

§ 2. And be it further ordained, that Section one, of an ordinance passed May 19th, A. D. 1857, entitled An Ordinance to prohibit cattle from running at large within the limits of the city be so amended as to allow Bulls to run at large within the limits of said city the same as other neat cattle.

§ 3. And be it further ordained, that Section two of the last mentioned ordinance be, and the same is hereby amended so as to require the owners of neat cattle of every kind to keep the same safely yarded or tied up at night, to-wit: from 9 o'clock P. M., till 5 o'clock A. M., of each and every twenty-four hours from the first day of July, till the first day of November of each and every year.

§ 4. That if any cow or cows or other neat cattle, or any horse, mule or jack shall be found running at large within the limits of said city, between the hours of 9 o'clock P. M., and 5 o'clock A. M., from the first day of November of each and every year, each and every such animal shall be impounded in the city Pound, from whence they shall not be released until the owner or owners, or some other person shall pay to the Pound Keeper the sum of fifty cents for his fees in receiving and discharging, or selling each and every such animal so impounded, and the sum of twenty-five cents for the suitable and proper sustenance of each and every such animal for every twenty-four hours, the same shall have been kept, and the owner or owners shall be subject to a penalty of Three dollars for every such animal so found running at large.

§ 5. This ordinance is not intended to repeal by implication or otherwise any of the provisions of the ordinance to which this is an amendment farther than is herein expressly provided.

§ 6. That this ordinance shall not take effect until the 25th of July A. D. 1859.

Passed July 12. A. D. 1859.

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<sup>vs</sup>  
True & Sleight

Charter & Deeds